

SENATE BILL 180

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(PRE-FILED)

4r1431
CF HB 86

By: **Senator Hester**

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 13, 2024

CHAPTER _____

1 AN ACT concerning

2 **Public and Nonpublic Schools – Auto-Injectable Epinephrine and**
3 **Bronchodilators – Use, Availability, Training, and Policies**

4 FOR the purpose of requiring each county board of education and authorizing nonpublic
5 schools in the State to update their policies to require certain school nurses and other
6 school personnel to complete certain training before they are authorized to
7 administer auto-injectable epinephrine to a student who is determined to be, or is
8 perceived to be, in anaphylaxis; requiring the State Department of Education, in
9 consultation with certain groups, to identify or develop training for certain school
10 personnel to identify symptoms of anaphylaxis, asthma, and respiratory distress in
11 students; requiring ~~each county board~~ the Maryland Department of Health, in
12 consultation with county boards, and authorizing nonpublic schools in the State to
13 establish a policy to obtain, administer, and train certain school nurses and other
14 school personnel to administer in emergency situations bronchodilators to a student
15 who is determined to ~~have asthma, is~~ be or perceived to be experiencing
16 asthma-related ~~symptoms, symptoms~~ or is perceived to be in respiratory distress by
17 a school nurse or ~~any other~~ certain designated school personnel; and generally
18 relating to use and availability of auto-injectable epinephrine and bronchodilators
19 in public and nonpublic schools in the State.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 7-426.2 and 7-426.3
23 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2022 Replacement Volume and 2023 Supplement)

2 BY adding to

3 Article – Education

4 Section 7–426.6 and 7–426.7

5 Annotated Code of Maryland

6 (2022 Replacement Volume and 2023 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

8 That the Laws of Maryland read as follows:

9 **Article – Education**

10 7–426.2.

11 (a) (1) In this section the following words have the meanings indicated.

12 (2) “Anaphylaxis” means a sudden, severe, and potentially life–threatening
13 allergic reaction that occurs when an individual is exposed to an allergen.

14 (3) “Auto–injectable epinephrine” means a portable, disposable drug
15 delivery device that contains a premeasured single dose of epinephrine that is used to treat
16 anaphylaxis in an emergency situation.

17 (b) Each county board shall establish a policy for public schools within its
18 jurisdiction to authorize the school nurse and other school personnel to administer
19 auto–injectable epinephrine, if available, to a student who is determined **BY AN**
20 **INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED UNDER SUBSECTION**
21 **(C) OF THIS SECTION, IF AVAILABLE**, to be or perceived to be in anaphylaxis, regardless
22 of whether the student:

23 (1) Has been identified as having an anaphylactic allergy, as defined in §
24 7–426.1 of this subtitle; or

25 (2) Has [a prescription for] **BEEN PRESCRIBED** epinephrine [as
26 prescribed] by an authorized licensed health care practitioner under the Health
27 Occupations Article.

28 (c) **(1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND**
29 **DEPARTMENT OF HEALTH, THE AMERICAN LUNG ASSOCIATION, AND THE ASTHMA**
30 **AND ALLERGY FOUNDATION OF AMERICA, SHALL IDENTIFY OR DEVELOP TRAINING**
31 **TO:**

32 **(I) IDENTIFY THE SYMPTOMS OF ASTHMA AND RESPIRATORY**
33 **DISTRESS;**

1 (II) IDENTIFY THE SYMPTOMS OF ANAPHYLAXIS; AND

2 (III) DISTINGUISH BETWEEN ANAPHYLAXIS AND ASTHMA OR
3 RESPIRATORY DISTRESS.

4 (2) THE TRAINING IDENTIFIED OR DEVELOPED UNDER PARAGRAPH
5 (1) OF THIS SUBSECTION SHALL BE PROVIDED TO SCHOOL NURSES AND VOLUNTARY
6 SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE
7 CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF
8 THE TRAINING.

9 (3) THE TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A
10 PAID PROFESSIONAL DEVELOPMENT TRAINING.

11 (D) The policy established under subsection (b) of this section shall include:

12 (1) [Training for school personnel on how to recognize the symptoms of
13 anaphylaxis] **THE TRAINING IDENTIFIED OR DEVELOPED UNDER SUBSECTION (C) OF**
14 **THIS SECTION;**

15 (2) Procedures for the emergency administration of auto-injectable
16 epinephrine **BY A SCHOOL NURSE OR DESIGNATED ~~VOLUNTEER~~ SCHOOL PERSONNEL;**

17 (3) The proper follow-up emergency procedures;

18 (4) A provision authorizing a school nurse to obtain and store at a public
19 school auto-injectable epinephrine to be used in an emergency situation; and

20 (5) A requirement that each public school develop and implement a method
21 for notifying the parents or guardians of students of the school's policy under this section
22 at the beginning of each school year.

23 (E) (1) **AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY**
24 **PROVIDE AUTO-INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATED**
25 **~~VOLUNTEER~~ SCHOOL PERSONNEL FOR USE IN ACCORDANCE WITH THIS SECTION.**

26 (2) **AUTO-INJECTABLE EPINEPHRINE USED UNDER THIS SECTION**
27 **MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.**

28 (3) **A COUNTY BOARD OR PUBLIC SCHOOL MAY ACCEPT DONATED**
29 **AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACY OR**
30 **MANUFACTURER.**

1 **(4) A COUNTY BOARD MAY APPLY FOR GRANTS TO OBTAIN FUNDING**
2 **FOR THE PURCHASE OF AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED**
3 **PHARMACY OR MANUFACTURER.**

4 **[(d)] (F)** Except for any willful or grossly negligent act, a school nurse or other
5 school personnel who respond in good faith to the anaphylactic reaction of a child in
6 accordance with this section may not be held personally liable for any act or omission in the
7 course of responding to the reaction.

8 **[(e)] (G)** (1) Each public school shall submit, on the form that the Department
9 requires, a report to the Department on each incident at the school or at a related school
10 event that required the use of auto-injectable epinephrine.

11 (2) The Department shall develop and disseminate a standard form to
12 report each incident requiring the use of auto-injectable epinephrine at a public school.

13 7-426.3.

14 (a) (1) In this section the following words have the meanings indicated.

15 (2) “Anaphylaxis” means a sudden, severe, and potentially life-threatening
16 allergic reaction that occurs when an individual is exposed to an allergen.

17 (3) “Auto-injectable epinephrine” means a portable, disposable drug
18 delivery device that contains a premeasured single dose of epinephrine that is used to treat
19 anaphylaxis in an emergency situation.

20 (4) “School personnel” means individuals who are employed by a nonpublic
21 school, including part-time employees, teachers and substitute teachers employed by the
22 school for at least 7 days each school year, a school nurse, registered nurse case manager,
23 delegating nurse, and administrative staff.

24 (b) Each nonpublic school in the State may establish a policy authorizing school
25 personnel to administer auto-injectable epinephrine, if available, to a student who is
26 determined **BY AN INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED**
27 **UNDER § 7-426.2(C) OF THIS SUBTITLE, IF AVAILABLE,** to be or perceived to be in
28 anaphylaxis, regardless of whether the student:

29 (1) Has been identified as having an anaphylactic allergy, as defined in §
30 7-426.1 of this subtitle; or

31 (2) Has [a prescription for] **BEEN PRESCRIBED** epinephrine [as
32 prescribed] by an authorized licensed health care practitioner under the Health
33 Occupations Article.

34 (c) The policy established under subsection (b) of this section shall include:

1 (1) [Training for school personnel on how to recognize the signs and
2 symptoms of anaphylaxis by a licensed health care practitioner who is authorized to
3 administer auto-injectable epinephrine and who has been trained in an established
4 protocol on how to recognize the signs and symptoms of anaphylaxis] **THE TRAINING
5 IDENTIFIED OR DEVELOPED UNDER § 7-426.2(C) OF THIS SUBTITLE FOR SCHOOL
6 NURSES AND VOLUNTARY SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL
7 NURSE AND, IN THE CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE
8 APPROPRIATE RECIPIENTS OF THE TRAINING;**

9 (2) Procedures for the emergency administration of auto-injectable
10 epinephrine **BY A SCHOOL NURSE OR DESIGNATED ~~VOLUNTEER~~ SCHOOL PERSONNEL;**

11 (3) The proper follow-up emergency procedures;

12 (4) A provision authorizing a school nurse or other licensed health care
13 practitioner to obtain and, school personnel to store, at a nonpublic school auto-injectable
14 epinephrine to be used in an emergency situation;

15 (5) A requirement that the nonpublic school develop and implement a
16 method for notifying the parents or guardians of students of the school's policy under this
17 section at the beginning of each school year; and

18 (6) An ongoing process for oversight and monitoring by a licensed health
19 care practitioner of the implementation of the policy established under subsection (b) of this
20 section.

21 **(D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY
22 PROVIDE AUTO-INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATED
23 ~~VOLUNTEER~~ SCHOOL PERSONNEL FOR USE IN ACCORDANCE WITH THIS SECTION.**

24 **(2) AUTO-INJECTABLE EPINEPHRINE USED UNDER THIS SECTION
25 MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.**

26 **(3) A NONPUBLIC SCHOOL MAY ACCEPT DONATED AUTO-INJECTABLE
27 EPINEPHRINE FROM A LICENSED PHARMACY OR MANUFACTURER.**

28 **(4) A NONPUBLIC SCHOOL MAY APPLY FOR GRANTS TO OBTAIN
29 FUNDING FOR THE PURCHASE OF AUTO-INJECTABLE EPINEPHRINE FROM A
30 LICENSED PHARMACY OR MANUFACTURER.**

31 **[(d)] (E)** Except for any willful or grossly negligent act, school personnel who
32 respond in good faith to the anaphylactic reaction of a child in accordance with this section
33 may not be held personally liable for any act or omission in the course of responding to the
34 reaction.

1 7-426.6.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "ASTHMA" MEANS A CHRONIC LUNG DISEASE THAT INFLAMES
5 AND NARROWS AIR PASSAGES, CAUSING RECURRING PERIODS OF WHEEZING, CHEST
6 TIGHTNESS, SHORTNESS OF BREATH, AND COUGHING.

7 (3) "BRONCHODILATOR" MEANS MEDICATION THAT RELAXES
8 BRONCHIAL MUSCLES, RESULTING IN THE EXPANSION OF BRONCHIAL AIR
9 PASSAGES TO PROVIDE FAST TREATMENT OF ASTHMA-RELATED SYMPTOMS AND
10 SYMPTOMS OF RESPIRATORY DISTRESS.

11 (4) "SCHOOL PERSONNEL" MEANS INDIVIDUALS WHO ARE EMPLOYED
12 BY A PUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS AND
13 SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH
14 SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING NURSES, AND
15 ADMINISTRATIVE STAFF.

16 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
17 ~~EACH COUNTY BOARD~~ THE MARYLAND DEPARTMENT OF HEALTH, IN
18 CONSULTATION WITH COUNTY BOARDS, SHALL ESTABLISH A POLICY FOR PUBLIC
19 SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE AND ~~OTHER~~
20 DESIGNATED SCHOOL PERSONNEL TO ADMINISTER A BRONCHODILATOR TO A
21 STUDENT WHO IS DETERMINED BY AN INDIVIDUAL WHO HAS UNDERGONE THE
22 TRAINING PROVIDED UNDER SUBSECTION (C) OF THIS SECTION TO ~~HAVE ASTHMA,~~
23 IS BE OR PERCEIVED TO BE EXPERIENCING ASTHMA-RELATED SYMPTOMS, OR IS
24 PERCEIVED TO BE IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE
25 STUDENT:

26 (I) HAS BEEN DIAGNOSED WITH ASTHMA OR REACTIVE AIRWAY
27 DISEASE; OR

28 (II) HAS BEEN PRESCRIBED A BRONCHODILATOR BY AN
29 AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH
30 OCCUPATIONS ARTICLE.

31 (2) NEITHER A SCHOOL NURSE NOR ANY OTHER DESIGNATED
32 SCHOOL PERSONNEL MAY ADMINISTER A BRONCHODILATOR TO A
33 PREKINDERGARTEN STUDENT UNLESS THE STUDENT HAS BEEN DIAGNOSED WITH
34 ASTHMA OR A REACTIVE AIRWAY DISEASE AND HAS A PRESCRIPTION FOR A

1 BRONCHODILATOR AS PRESCRIBED BY THE STUDENT'S HEALTH CARE
2 PRACTITIONER.

3 (C) (1) THE TRAINING IDENTIFIED OR DEVELOPED UNDER § 7-426.2(C)
4 OF THIS SUBTITLE SHALL BE PROVIDED TO SCHOOL NURSES AND VOLUNTARY
5 SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE
6 CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF
7 THE TRAINING.

8 (2) THE TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A
9 PAID PROFESSIONAL DEVELOPMENT TRAINING.

10 (D) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION
11 SHALL INCLUDE:

12 (1) THE TRAINING REQUIRED UNDER SUBSECTION (C) OF THIS
13 SECTION;

14 (2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A
15 BRONCHODILATOR BY A SCHOOL NURSE OR DESIGNATED ~~VOLUNTEER~~ SCHOOL
16 PERSONNEL;

17 (3) PROCEDURES FOR RECOGNIZING AND ADMINISTERING A
18 BRONCHODILATOR BASED ON THE SEVERITY OF THE SYMPTOMS BEING
19 EXPERIENCED BY THE STUDENT;

20 ~~(3)~~ (4) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;

21 ~~(4)~~ (5) A PROVISION AUTHORIZING A SCHOOL NURSE TO OBTAIN
22 AND STORE AT A PUBLIC SCHOOL BRONCHODILATORS AND MODES OF DELIVERY,
23 INCLUDING INHALERS WITH SPACERS, TO BE USED IN AN EMERGENCY SITUATION;
24 AND

25 ~~(5)~~ (6) A REQUIREMENT THAT EACH PUBLIC SCHOOL DEVELOP
26 AND IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF
27 STUDENTS OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF
28 EACH SCHOOL YEAR.

29 (E) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY
30 PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR DESIGNATED ~~VOLUNTEER~~
31 SCHOOL PERSONNEL FOR USE IN ACCORDANCE WITH THIS SECTION.

32 (2) BRONCHODILATORS AND MODES OF ADMINISTRATION,
33 INCLUDING INHALERS WITH SPACERS, USED BY A SCHOOL NURSE OR ~~ANY OTHER~~

1 DESIGNATED SCHOOL PERSONNEL MUST BE FROM A LICENSED PHARMACY OR
2 MANUFACTURER.

3 (3) A COUNTY BOARD OR PUBLIC SCHOOL MAY ACCEPT DONATED
4 BRONCHODILATORS AND MODES OF ADMINISTRATION, INCLUDING INHALERS WITH
5 SPACERS, FROM A LICENSED PHARMACY OR MANUFACTURER.

6 (4) A COUNTY BOARD MAY APPLY FOR GRANTS TO OBTAIN FUNDING
7 FOR THE PURCHASE OF BRONCHODILATORS AND MODES OF ADMINISTRATION,
8 INCLUDING INHALERS WITH SPACERS.

9 (F) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL
10 NURSE OR ANY OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE
11 ASTHMA ATTACK OR RESPIRATORY DISTRESS OF A CHILD IN ACCORDANCE WITH
12 THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION
13 IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.

14 (G) (1) (I) FOR EACH INCIDENT AT THE SCHOOL OR AT A RELATED
15 SCHOOL EVENT THAT REQUIRES THE USE OF A ~~BRONCHODILATOR~~ STOCK
16 BRONCHODILATOR IN ACCORDANCE WITH THIS SECTION, EACH PUBLIC SCHOOL
17 SHALL:

18 1. NOTIFY THE STUDENT'S PARENT OR LEGAL
19 GUARDIAN OF THE INCIDENT; AND

20 2. MAKE A RECORD OF THE INCIDENT, ON THE FORM
21 THAT THE DEPARTMENT REQUIRES, AND FILE THE FORM IN THE STUDENT'S SCHOOL
22 MEDICAL RECORD.

23 (II) EACH PUBLIC SCHOOL SHALL SUBMIT TO THE
24 DEPARTMENT A REPORT, ON THE FORM AND SCHEDULE REQUIRED BY THE
25 DEPARTMENT, ON THE NUMBER OF INCIDENTS AT THE SCHOOL OR AT A RELATED
26 SCHOOL EVENT THAT REQUIRED THE USE OF A ~~BRONCHODILATOR~~ STOCK
27 BRONCHODILATOR IN ACCORDANCE WITH THIS SECTION.

28 (2) THE DEPARTMENT SHALL DEVELOP AND DISSEMINATE
29 STANDARD FORMS TO RECORD EACH INCIDENT AND REPORT INCIDENTS REQUIRING
30 THE USE OF A BRONCHODILATOR AT A PUBLIC SCHOOL.

31 7-426.7.

32 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
33 INDICATED.

1 (2) “ASTHMA” MEANS A CHRONIC LUNG DISEASE THAT INFLAMES
2 AND NARROWS AIR PASSAGES, CAUSING RECURRING PERIODS OF WHEEZING, CHEST
3 TIGHTNESS, SHORTNESS OF BREATH, AND COUGHING.

4 (3) “BRONCHODILATOR” MEANS MEDICATION THAT RELAXES
5 BRONCHIAL MUSCLES, RESULTING IN THE EXPANSION OF BRONCHIAL AIR
6 PASSAGES TO PROVIDE FAST TREATMENT OF ASTHMA-RELATED SYMPTOMS AND
7 SYMPTOMS OF RESPIRATORY DISTRESS.

8 (4) “SCHOOL PERSONNEL” MEANS INDIVIDUALS WHO ARE EMPLOYED
9 BY A NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS AND
10 SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH
11 SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING NURSES, AND
12 ADMINISTRATIVE STAFF.

13 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
14 EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY AUTHORIZING
15 THE SCHOOL NURSE AND ~~OTHER~~ DESIGNATED SCHOOL PERSONNEL TO ADMINISTER
16 A BRONCHODILATOR TO A STUDENT WHO IS DETERMINED BY AN INDIVIDUAL WHO
17 HAS UNDERGONE THE TRAINING PROVIDED UNDER § 7-426.2(C) OF THIS SUBTITLE
18 TO ~~HAVE ASTHMA, IS~~ BE OR PERCEIVED TO BE EXPERIENCING ASTHMA-RELATED
19 ~~SYMPTOMS,~~ SYMPTOMS OR IS PERCEIVED TO BE IN RESPIRATORY DISTRESS,
20 REGARDLESS OF WHETHER THE STUDENT:

21 (I) HAS BEEN DIAGNOSED WITH ASTHMA OR REACTIVE AIRWAY
22 DISEASE; OR

23 (II) HAS BEEN PRESCRIBED A BRONCHODILATOR BY AN
24 AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH
25 OCCUPATIONS ARTICLE.

26 (2) A SCHOOL NURSE OR ANY OTHER DESIGNATED SCHOOL
27 PERSONNEL MAY NOT ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN
28 STUDENT UNLESS THE STUDENT HAS BEEN DIAGNOSED WITH ASTHMA OR A
29 REACTIVE AIRWAY DISEASE AND HAS A PRESCRIPTION FOR A BRONCHODILATOR AS
30 PRESCRIBED BY THE STUDENT’S HEALTH CARE PRACTITIONER.

31 (C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION
32 SHALL INCLUDE:

33 (1) THE TRAINING IDENTIFIED OR DEVELOPED UNDER § 7-426.2(C)
34 OF THIS SUBTITLE FOR SCHOOL NURSES AND VOLUNTARY SCHOOL PERSONNEL WHO
35 ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE CLINICAL JUDGMENT OF THE
36 SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF THE TRAINING;

1 **(2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A**
2 **BRONCHODILATOR BY A SCHOOL NURSE OR DESIGNATED ~~VOLUNTEER~~ SCHOOL**
3 **PERSONNEL**;

4 **(3) PROCEDURES FOR RECOGNIZING AND ADMINISTERING A**
5 **BRONCHODILATOR BASED ON THE SEVERITY OF THE SYMPTOMS BEING**
6 **EXPERIENCED BY THE STUDENT**;

7 ~~(3)~~ **(4)** **THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;**

8 ~~(4)~~ **(5)** **A PROVISION AUTHORIZING A SCHOOL NURSE OR ANY**
9 **OTHER LICENSED HEALTH CARE PRACTITIONER TO OBTAIN, AND A SCHOOL NURSE**
10 **OR ANY OTHER SCHOOL PERSONNEL TO STORE, AT A NONPUBLIC SCHOOL FOR USE**
11 **IN AN EMERGENCY SITUATION BRONCHODILATORS AND MODES OF DELIVERY,**
12 **INCLUDING INHALERS WITH SPACERS;**

13 ~~(5)~~ **(6)** **A REQUIREMENT THAT THE NONPUBLIC SCHOOL DEVELOP**
14 **AND IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF**
15 **STUDENTS OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF**
16 **EACH SCHOOL YEAR; AND**

17 ~~(6)~~ **(7)** **AN ONGOING PROCESS FOR OVERSIGHT AND MONITORING**
18 **BY A LICENSED HEALTH CARE PRACTITIONER OF THE IMPLEMENTATION OF THE**
19 **POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.**

20 **(D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY**
21 **PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR DESIGNATED VOLUNTEER**
22 **FOR USE IN ACCORDANCE WITH THIS SECTION.**

23 **(2) BRONCHODILATORS AND MODES OF ADMINISTRATION,**
24 **INCLUDING INHALERS WITH SPACERS, USED BY A SCHOOL NURSE OR ~~ANY OTHER~~**
25 **DESIGNATED SCHOOL PERSONNEL MUST BE FROM A LICENSED PHARMACY OR**
26 **MANUFACTURER.**

27 **(3) A NONPUBLIC SCHOOL MAY ACCEPT DONATED**
28 **BRONCHODILATORS AND MODES OF ADMINISTRATION, INCLUDING INHALERS WITH**
29 **SPACERS, FROM A LICENSED PHARMACY OR MANUFACTURER.**

30 **(4) A NONPUBLIC SCHOOL MAY APPLY FOR GRANTS TO OBTAIN**
31 **FUNDING FOR THE PURCHASE OF BRONCHODILATORS AND MODES OF**
32 **ADMINISTRATION, INCLUDING INHALERS WITH SPACERS.**

1 **(E) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL**
2 **NURSE OR ANY OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE**
3 **ASTHMA ATTACK OR RESPIRATORY DISTRESS OF A CHILD IN ACCORDANCE WITH**
4 **THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION**
5 **IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.