

HB0266/223926/1

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 266
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**and Epinephrine**”; in line 5, after “State” insert “, before a certain school year.”; strike beginning with “obtain” in line 5 down through “and” in line 6 and substitute “authorize a school nurse or certain”; strike beginning with “bronchodilators” in line 7 down through “students;” in line 16 and substitute “a bronchodilator to a student who is experiencing asthma, reactive airway disease, or asthma-related symptoms; requiring a policy to include certain limitations on the administration of a bronchodilator, provisions authorizing a school nurse to obtain and store bronchodilators, and procedures for a school nurse to designate certain other school personnel to respond to a student who is experiencing asthma, reactive airway disease, or asthma-related symptoms; requiring the State Department of Education and the Maryland Department of Health jointly to update certain asthma guidelines in a certain manner on or before a certain date; requiring each county board to make a good faith effort to adopt certain guidelines before the start of a certain school year;”; in line 16, strike “and epinephrine”; and strike in their entirety lines 18 through 22, inclusive.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 4 on page 2 through line 26 on page 5, inclusive.

On pages 6 and 7, strike in their entirety the lines beginning with line 5 on page 6 through line 27 on page 7, inclusive, and substitute:

“(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEFORE THE 2024–2025 SCHOOL YEAR, EACH COUNTY BOARD SHALL ESTABLISH A POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE A SCHOOL NURSE OR OTHER SCHOOL PERSONNEL DESIGNATED BY THE SCHOOL

NURSE TO ADMINISTER A BRONCHODILATOR TO A STUDENT WHO IS EXPERIENCING ASTHMA, REACTIVE AIRWAY DISEASE, OR ASTHMA-RELATED SYMPTOMS.

(2) THE POLICY ESTABLISHED UNDER THIS SUBSECTION SHALL LIMIT THE ADMINISTRATION OF A BRONCHODILATOR TO CASES IN WHICH A STUDENT HAS BEEN PRESCRIBED A BRONCHODILATOR BY AN AUTHORIZED, LICENSED HEALTH CARE PRACTITIONER IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE.

(C) THE POLICY REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) PROVISIONS AUTHORIZING A SCHOOL NURSE TO OBTAIN AND STORE AT A PUBLIC SCHOOL BRONCHODILATORS TO BE USED IN AN EMERGENCY SITUATION; AND

(2) PROCEDURES FOR THE DESIGNATION OF SCHOOL PERSONNEL BY A SCHOOL NURSE, IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE, TO RESPOND TO A STUDENT EXPERIENCING ASTHMA, REACTIVE AIRWAY DISEASE, OR ASTHMA-RELATED SYMPTOMS IN AN EMERGENCY SETTING.”.

On page 7, in line 28, strike “(F)” and substitute “(D)”.

On page 8, in line 1, strike “(G)” and substitute “(E)”; strike beginning with “(I)” in line 1 down through “(II)” in line 9; and in lines 12 and 15, in each instance, after “BRONCHODILATOR” insert “IN ACCORDANCE WITH THE COUNTY BOARD’S POLICY UNDER SUBSECTION (B) OF THIS SECTION”.

On pages 8 through 10, strike in their entirety the lines beginning with line 26 on page 8 through line 15 on page 10, inclusive, and substitute:

“(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEFORE THE 2024–2025 SCHOOL YEAR, EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE OR OTHER SCHOOL PERSONNEL DESIGNATED BY THE SCHOOL NURSE TO ADMINISTER A BRONCHODILATOR TO A STUDENT WHO IS EXPERIENCING ASTHMA, REACTIVE AIRWAY DISEASE, OR ASTHMA–RELATED SYMPTOMS.

(2) A POLICY ESTABLISHED UNDER THIS SUBSECTION SHALL LIMIT THE ADMINISTRATION OF A BRONCHODILATOR TO CASES IN WHICH A STUDENT HAS BEEN PRESCRIBED A BRONCHODILATOR BY AN AUTHORIZED, LICENSED HEALTH CARE PRACTITIONER IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE.

(C) A POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) PROVISIONS AUTHORIZING A SCHOOL NURSE TO OBTAIN AND STORE AT A NONPUBLIC SCHOOL BRONCHODILATORS TO BE USED IN AN EMERGENCY SITUATION; AND

(2) PROCEDURES FOR THE DESIGNATION OF SCHOOL PERSONNEL BY A SCHOOL NURSE, IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE, TO RESPOND TO A STUDENT EXPERIENCING ASTHMA, REACTIVE AIRWAY DISEASE, OR ASTHMA–RELATED SYMPTOMS IN AN EMERGENCY SETTING.”.

(Over)

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On page 10, in line 16, strike “(E)” and substitute “(D)”; after line 20, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) Subject to paragraph (2) of this subsection, on or before August 1, 2023, the State Department of Education and the Maryland Department of Health jointly shall update the Maryland State school health service guidelines for the management of students with asthma.

(2) In updating the guidelines under this subsection, the State Department of Education and the Maryland Department of Health shall provide guidance to school nurses and other school personnel on distinguishing between asthma or reactive airway disease and anaphylaxis.

(b) Before the start of the 2023–2024 school year, each county board of education, including the Baltimore City Board of School Commissioners, shall make a good faith effort to adopt and implement guidelines in accordance with § 7–426.6 of the Education Article, as enacted by Section 1 of this Act, and following the Maryland State school health service guidelines updated under subsection (a) of this section.”;

and in line 21, strike “2.” and substitute “3.”.