

HOUSE BILL 266

F1
HB 384/22 – W&M

3lr1374

By: **Delegates Boyce, Amprey, Bridges, Edelson, Embry, Healey, Kaufman, Lehman, McCaskill, Phillips, Rosenberg, Ruth, Smith, and Stewart**

Introduced and read first time: January 25, 2023

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2023

CHAPTER _____

1 AN ACT concerning

2 **Public and Nonpublic Schools – ~~Bronchodilator and Epinephrine~~ Availability**
3 **and Use – Policies**

4 FOR the purpose of requiring each county board of education and authorizing nonpublic
5 schools in the State, ~~before a certain school year,~~ to establish a policy to ~~obtain,~~
6 ~~administer, and train certain school nurses and~~ authorize a school nurse or certain
7 other school personnel to administer in emergency situations ~~bronchodilators to a~~
8 ~~student who is determined to have asthma and is experiencing asthma-related~~
9 ~~symptoms or is perceived to be in respiratory distress by a school nurse or any other~~
10 ~~school personnel; requiring each county board and authorizing nonpublic schools in~~
11 ~~the State to update their policies to require certain school nurses and other school~~
12 ~~personnel to complete certain training before they are authorized to administer~~
13 ~~auto-injectable epinephrine to a student who is determined to be, or is perceived to~~
14 ~~be, in anaphylaxis; requiring the State Department of Education, in consultation~~
15 ~~with certain groups, to identify or develop training for certain school personnel to~~
16 ~~identify symptoms of anaphylaxis, asthma, or respiratory distress in students; a~~
17 bronchodilator to a student who is experiencing asthma, reactive airway disease, or
18 asthma-related symptoms; requiring a policy to include certain limitations on the
19 administration of a bronchodilator, provisions authorizing a school nurse to obtain
20 and store bronchodilators, and procedures for a school nurse to designate certain
21 other school personnel to respond to a student who is experiencing asthma, reactive
22 airway disease, or asthma-related symptoms; requiring the State Department of
23 Education and the Maryland Department of Health jointly to update certain asthma
24 guidelines in a certain manner on or before a certain date; requiring each county

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.



board to make a good faith effort to adopt certain guidelines before the start of a certain school year; and generally relating to bronchodilator and epinephrine availability and use policies in public and nonpublic schools in the State.

~~BY repealing and reenacting, with amendments,
Article – Education
Section 7-426.2 and 7-426.3
Annotated Code of Maryland
(2022 Replacement Volume)~~

BY adding to
Article – Education
Section 7-426.6 and 7-426.7
Annotated Code of Maryland
(2022 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

~~7-426.2.~~

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

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

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

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

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

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

1 ~~(e) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND~~
2 ~~DEPARTMENT OF HEALTH, THE AMERICAN LUNG ASSOCIATION, AND THE ASTHMA~~
3 ~~AND ALLERGY FOUNDATION OF AMERICA, SHALL IDENTIFY OR DEVELOP TRAINING~~
4 ~~TO:~~

5 ~~(i) IDENTIFY THE SYMPTOMS OF ASTHMA AND RESPIRATORY~~
6 ~~DISTRESS;~~

7 ~~(ii) IDENTIFY THE SYMPTOMS OF ANAPHYLAXIS; AND~~

8 ~~(iii) DISTINGUISH BETWEEN ANAPHYLAXIS AND ASTHMA OR~~
9 ~~RESPIRATORY DISTRESS.~~

10 ~~(2) THE TRAINING IDENTIFIED OR DEVELOPED UNDER PARAGRAPH~~
11 ~~(1) OF THIS SUBSECTION SHALL BE PROVIDED TO SCHOOL NURSES AND VOLUNTARY~~
12 ~~SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE~~
13 ~~CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF~~
14 ~~THE TRAINING.~~

15 ~~(3) THE TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A~~
16 ~~PAID PROFESSIONAL DEVELOPMENT TRAINING.~~

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

18 ~~(1) [Training for school personnel on how to recognize the symptoms of~~
19 ~~anaphylaxis] THE TRAINING IDENTIFIED OR DEVELOPED UNDER SUBSECTION (C) OF~~
20 ~~THIS SECTION;~~

21 ~~(2) Procedures for the emergency administration of auto-injectable~~
22 ~~epinephrine BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER;~~

23 ~~(3) The proper follow-up emergency procedures;~~

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

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

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

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

3 ~~(3) A COUNTY BOARD OR PUBLIC SCHOOL MAY ACCEPT DONATED~~
4 ~~AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACY OR~~
5 ~~MANUFACTURER.~~

6 ~~(4) A COUNTY BOARD MAY APPLY FOR GRANTS TO OBTAIN FUNDING~~
7 ~~FOR THE PURCHASE OF AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED~~
8 ~~PHARMACY OR MANUFACTURER.~~

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

13 ~~[(c)](G) (1) Each public school shall submit, on the form that the Department~~
14 ~~requires, a report to the Department on each incident at the school or at a related school~~
15 ~~event that required the use of auto-injectable epinephrine.~~

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

18 ~~7-426.3.~~

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

20 ~~(2) "Anaphylaxis" means a sudden, severe, and potentially life-threatening~~
21 ~~allergic reaction that occurs when an individual is exposed to an allergen.~~

22 ~~(3) "Auto-injectable epinephrine" means a portable, disposable drug~~
23 ~~delivery device that contains a premeasured single dose of epinephrine that is used to treat~~
24 ~~anaphylaxis in an emergency situation.~~

25 ~~(4) "School personnel" means individuals who are employed by a nonpublic~~
26 ~~school, including part-time employees, teachers and substitute teachers employed by the~~
27 ~~school for at least 7 days each school year, a school nurse, registered nurse case manager,~~
28 ~~delegating nurse, and administrative staff.~~

29 ~~(b) Each nonpublic school in the State may establish a policy authorizing school~~
30 ~~personnel to administer auto-injectable epinephrine, if available, to a student who is~~
31 ~~determined BY AN INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED~~
32 ~~UNDER § 7-426.6(C) OF THIS SUBTITLE, IF AVAILABLE, to be or perceived to be in~~
33 ~~anaphylaxis, regardless of whether the student:~~

1 ~~(1) Has been identified as having an anaphylactic allergy, as defined in §~~
2 ~~7-426.1 of this subtitle; or~~

3 ~~(2) Has [a prescription for] BEEN PRESCRIBED epinephrine [as~~
4 ~~prescribed] by an authorized licensed health care practitioner under the Health~~
5 ~~Occupations Article.~~

6 ~~(e) The policy established under subsection (b) of this section shall include:~~

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

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

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

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

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

24 ~~(6) An ongoing process for oversight and monitoring by a licensed health~~
25 ~~care practitioner of the implementation of the policy established under subsection (b) of this~~
26 ~~section.~~

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

30 ~~(2) AUTO-INJECTABLE EPINEPHRINE USED UNDER THIS SECTION~~
31 ~~MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.~~

32 ~~(3) A NONPUBLIC SCHOOL MAY ACCEPT DONATED AUTO-INJECTABLE~~
33 ~~EPINEPHRINE FROM A LICENSED PHARMACY OR MANUFACTURER.~~

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

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

~~7-426.6.~~

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

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

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

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

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH COUNTY BOARD SHALL ESTABLISH A POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE AND OTHER SCHOOL PERSONNEL TO ADMINISTER A BRONCHODILATOR TO A STUDENT WHO IS DETERMINED BY AN INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED IN SUBSECTION (C) OF THIS SECTION TO HAVE ASTHMA, IS EXPERIENCING ASTHMA-RELATED SYMPTOMS, OR IS PERCEIVED TO BE IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE STUDENT:~~

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

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

1 ~~(2) NEITHER A SCHOOL NURSE NOR ANY OTHER SCHOOL PERSONNEL~~
2 ~~MAY ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN STUDENT UNLESS~~
3 ~~THE STUDENT HAS BEEN DIAGNOSED WITH ASTHMA OR A REACTIVE AIRWAY DISEASE~~
4 ~~AND HAS A PRESCRIPTION FOR A BRONCHODILATOR AS PRESCRIBED BY THE~~
5 ~~STUDENT'S HEALTH CARE PRACTITIONER.~~

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

11 ~~(2) THE TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A~~
12 ~~PAID PROFESSIONAL DEVELOPMENT TRAINING.~~

13 ~~(D) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION~~
14 ~~SHALL INCLUDE:~~

15 ~~(1) THE TRAINING REQUIRED UNDER SUBSECTION (C) OF THIS~~
16 ~~SECTION;~~

17 ~~(2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A~~
18 ~~BRONCHODILATOR BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER;~~

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

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

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

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

31 ~~(2) BRONCHODILATORS AND MODES OF ADMINISTRATION,~~
32 ~~INCLUDING INHALERS WITH SPACERS, USED BY A SCHOOL NURSE OR ANY OTHER~~
33 ~~SCHOOL PERSONNEL MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.~~

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

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

(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.

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

~~(G) (E) (1) (H) FOR EACH INCIDENT AT THE SCHOOL OR AT A RELATED SCHOOL EVENT THAT REQUIRES THE USE OF A BRONCHODILATOR, EACH PUBLIC SCHOOL SHALL:~~

1 1. ~~NOTIFY THE STUDENT'S PARENT OR LEGAL~~
2 ~~GUARDIAN OF THE INCIDENT; AND~~

3 2. ~~MAKE A RECORD OF THE INCIDENT, ON THE FORM~~
4 ~~THAT THE DEPARTMENT REQUIRES, AND FILE THE FORM IN THE STUDENT'S SCHOOL~~
5 ~~MEDICAL RECORD.~~

6 (H) EACH PUBLIC SCHOOL SHALL SUBMIT TO THE
7 DEPARTMENT A REPORT, ON THE FORM AND SCHEDULE REQUIRED BY THE
8 DEPARTMENT, ON THE NUMBER OF INCIDENTS AT THE SCHOOL OR AT A RELATED
9 SCHOOL EVENT THAT REQUIRED THE USE OF A BRONCHODILATOR IN ACCORDANCE
10 WITH THE COUNTY BOARD'S POLICY UNDER SUBSECTION (B) OF THIS SECTION.

11 (2) THE DEPARTMENT SHALL DEVELOP AND DISSEMINATE
12 STANDARD FORMS TO RECORD EACH INCIDENT AND REPORT INCIDENTS REQUIRING
13 THE USE OF A BRONCHODILATOR IN ACCORDANCE WITH THE COUNTY BOARD'S
14 POLICY UNDER SUBSECTION (B) OF THIS SECTION AT A PUBLIC SCHOOL.

15 7-426.7.

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

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

21 (3) "BRONCHODILATOR" MEANS MEDICATION THAT RELAXES
22 BRONCHIAL MUSCLES, RESULTING IN THE EXPANSION OF BRONCHIAL AIR
23 PASSAGES TO PROVIDE FAST TREATMENT OF ASTHMA-RELATED SYMPTOMS AND
24 SYMPTOMS OF RESPIRATORY DISTRESS.

25 (4) ~~"SCHOOL PERSONNEL" MEANS INDIVIDUALS WHO ARE EMPLOYED~~
26 ~~BY A NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS AND~~
27 ~~SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH~~
28 ~~SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING NURSES, AND~~
29 ~~ADMINISTRATIVE STAFF.~~

30 (B) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
31 ~~EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY AUTHORIZING~~
32 ~~THE SCHOOL NURSE AND OTHER SCHOOL PERSONNEL TO ADMINISTER A~~
33 ~~BRONCHODILATOR TO A STUDENT WHO IS DETERMINED BY AN INDIVIDUAL WHO HAS~~
34 ~~UNDERGONE THE TRAINING PROVIDED UNDER § 7-426.2(C) OF THIS SUBTITLE TO~~

~~1 HAVE ASTHMA, IS EXPERIENCING ASTHMA-RELATED SYMPTOMS, OR IS PERCEIVED
2 TO BE IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE STUDENT:~~

~~3 (I) HAS BEEN DIAGNOSED WITH ASTHMA OR REACTIVE AIRWAY
4 DISEASE; OR~~

~~5 (II) HAS BEEN PRESCRIBED A BRONCHODILATOR BY AN
6 AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH
7 OCCUPATIONS ARTICLE.~~

~~8 (2) A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL MAY NOT
9 ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN STUDENT UNLESS THE
10 STUDENT HAS BEEN DIAGNOSED WITH ASTHMA OR A REACTIVE AIRWAY DISEASE
11 AND HAS A PRESCRIPTION FOR A BRONCHODILATOR AS PRESCRIBED BY THE
12 STUDENT'S HEALTH CARE PRACTITIONER.~~

~~13 (C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION
14 SHALL INCLUDE:~~

~~15 (1) THE TRAINING IDENTIFIED OR DEVELOPED UNDER §
16 7-426.2(C) OF THIS SUBTITLE FOR SCHOOL NURSES AND VOLUNTARY SCHOOL
17 PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE CLINICAL
18 JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF THE
19 TRAINING;~~

~~20 (2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A
21 BRONCHODILATOR BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER;~~

~~22 (3) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;~~

~~23 (4) A PROVISION AUTHORIZING A SCHOOL NURSE OR ANY OTHER
24 LICENSED HEALTH CARE PRACTITIONER TO OBTAIN, AND A SCHOOL NURSE OR ANY
25 OTHER SCHOOL PERSONNEL TO STORE, AT A NONPUBLIC SCHOOL FOR USE IN AN
26 EMERGENCY SITUATION BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING
27 INHALERS WITH SPACERS;~~

~~28 (5) A REQUIREMENT THAT THE NONPUBLIC SCHOOL DEVELOP AND
29 IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS
30 OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH
31 SCHOOL YEAR; AND~~

~~32 (6) AN ONGOING PROCESS FOR OVERSIGHT AND MONITORING BY A
33 LICENSED HEALTH CARE PRACTITIONER OF THE IMPLEMENTATION OF THE POLICY
34 ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.~~

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

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

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

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

(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.

~~(E) (D)~~ EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE ASTHMA ATTACK OR RESPIRATORY DISTRESS OF A CHILD IN ACCORDANCE

1 WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR
2 OMISSION IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.

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

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

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

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

17 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.