HOUSE BILL 266

F1 HB 384/22 – W&M

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

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Public and Nonpublic Schools – Bronchodilatorand Epinephrine Availability and Use – Policies

FOR the purpose of requiring each county board of education and authorizing nonpublic schools in the State, before a certain school year, to establish a policy to obtain, administer, and train certain school nurses and authorize a school nurse or certain other school personnel to administer in emergency situations bronchodilators to a student who is determined to have asthma and is experiencing asthma-related symptoms or is perceived to be in respiratory distress by a school nurse or any other school personnel; requiring each county board and authorizing nonpublic schools in the State to update their policies to require certain school nurses and other school personnel to complete certain training before they are authorized to administer auto-injectable epinephrine to a student who is determined to be, or is perceived to be, in anaphylaxis; requiring the State Department of Education, in consultation with certain groups, to identify or develop training for certain school personnel to identify symptoms of anaphylaxis, asthma, or respiratory distress in students; 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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



1 2 3	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.
4 5 6 7 8	BY repealing and reenacting, with amendments, Article - Education Section 7-426.2 and 7-426.3 Annotated Code of Maryland (2022 Replacement Volume)
9 10 11 12 13	BY adding to Article – Education Section 7–426.6 and 7–426.7 Annotated Code of Maryland (2022 Replacement Volume)
14 15	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
16	Article – Education
17	7-426.2.
18	(a) (1) In this section the following words have the meanings indicated.
19 20	(2) "Anaphylaxis" means a sudden, severe, and potentially life-threatening allergic reaction that occurs when an individual is exposed to an allergen.
21 22 23	(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.
24 25 26 27 28 29	(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:
30 31	(1) Has been identified as having an anaphylactic allergy, as defined in § $7-426.1$ of this subtitle; or
32 33 34	(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	DEPARTME	NT OI	HEA	LTH, THE AMERICAN LUNG ASSOCIATION, AND THE ASTHMA
3	AND ALLER	GY F	OUND/	ATION 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
0			(777)	Diaminguight promitten and purit and and agreed on
8	DECDID AMO	DI DI	(III)	DISTINGUISH BETWEEN ANAPHYLAXIS AND ASTHMA OR
9	RESPIRATO	KY DI	STRES	D.
10		(2)	Тик	TRAINING IDENTIFIED OR DEVELOPED UNDER PARAGRAPH
11		` '		N SHALL BE PROVIDED TO SCHOOL NURSES AND VOLUNTARY
12	` '			WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE
13				OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF
$\frac{13}{14}$	THE TRAINI		1121V 1 - (THE SCHOOL NORSE, ARE ALL ROLLING RECHIEVES OF
14	THE INMINI	1101.		
15		(3)	THE	TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A
16	PAID PROFI	` '		EVELOPMENT TRAINING.
10				
17	(D)	The r	oolicy e	stablished under subsection (b) of this section shall include:
18		(1)	[Trai	ning for school personnel on how to recognize the symptoms of
19	anaphylaxis]	THE	TRAIN	HING IDENTIFIED OR DEVELOPED UNDER SUBSECTION (C) OF
20	THIS SECTION	ON;		
0.1		(0)	D	
21	. 1 .	(2)		dures for the emergency administration of auto-injectable
22	epinephrine	BY A	SCHOC	OL NURSE OR DESIGNATED VOLUNTEER;
23		(3)	Thon	roper follow-up emergency procedures;
20		(9)	THC P	roper follow up emergency procedures,
24		(4)	A pro	vision authorizing a school nurse to obtain and store at a public
25	school auto-	` '	-	inephrine to be used in an emergency situation; and
			-	
26		(5)	A req	uirement that each public school develop and implement a method
27	for notifying	the p	arents	or guardians of students of the school's policy under this section
28	at the beginn	ning o	f each (echool year.
00	(T)	(1)	A 3.7 . 4	TWITODIZED LICENSED HEALTH CARE DRACTIONED 3547
29	(E)	(1)		UTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY
30				FABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATED
31	volunteel	t FOR	USE I	N-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.
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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	[(e)] (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	$\frac{7-426.3}{6}$
10	7-120.0.
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	(3) "Auto-injectable epinephrine" means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine that is used to treat
$\frac{23}{24}$	anaphylaxis in an emergency situation.
4 4	anaphytaxis 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
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anaphylaxis, regardless of whether the student:

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7 (2) Hae [a prescription for] BEEN PRESCRIBED epinephrine prescribed] by an authorized licensed health care practitioner under the H Occupations Article. (c) The policy established under subsection (b) of this section shall include: (d) [Training for school personnel on how to recognize the signs symptome of anaphylaxis by a licensed health care practitioner who is authorized administer auto injectable epinephrine and who has been trained in an estable protocol on how to recognize the signs and symptoms of anaphylaxis] THE TRAIL IDENTIFIED OR DEVELOPED UNDER § 7 426.2(c) OF THIS SUBTITLE FOR SCH NURSE AND VOLUNTARY SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE, APPROPRIATE RECIPIENTS OF THE TRAINING: (2) Procedures for the emergency administration of auto-inject epinephrine BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER; (3) The proper follow-up emergency procedures; (4) A provision authorizing a school nurse or other licensed health practitioner to obtain and, school personnel to store, at a nonpublic school auto-inject epinephrine to be used in an emergency situation; (5) A requirement that the nonpublic school develop and implement of the beginning of each school year; and (6) An ongoing process for oversight and monitoring by a licensed health practitioner of the implementation of the policy established under subsection (b) of section. (D) (1) An AUTHORIZED LICENSED HEALTH CARE PRACTITIONER PROVIDE AUTO INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATED VOLUNTEER FOR USE IN ACCORDANCE WITH THIS SECTION.	_		(4)	
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cpinephrine BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER; (3) The proper follow-up emergency procedures; (4) A provision authorizing a school nurse or other licensed health practitioner to obtain and, school personnel to store, at a nonpublic school auto-inject opinephrine to be used in an emergency situation; (5) A requirement that the nonpublic school develop and implement of the parents or guardians of students of the school's policy under section at the beginning of each school year; and (6) An ongoing process for oversight and monitoring by a licensed hear practitioner of the implementation of the policy established under subsection (b) of section. (D) (1) An AUTHORIZED LICENSED HEALTH CARE PRACTITIONER PROVIDE AUTO-INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATION OF THE PROVIDE AUTO-INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATION.	15		(2)	Procedures for the emergency administration of auto-injectable
(4) A provision authorizing a school nurse or other licensed health practitioner to obtain and, school personnel to store, at a nonpublic school auto-inject opinephrine to be used in an emergency situation; (5) A requirement that the nonpublic school develop and implement the province of the parents or guardians of students of the school's policy under section at the beginning of each school year; and (6) An ongoing process for oversight and monitoring by a licensed health care practitioner of the implementation of the policy established under subsection (b) of section. (D) (1) An Authorized Licensed Health care practitioner of the policy established under subsection (b) of section.	6	epinephrin	e BY A	SCHOOL NURSE OR DESIGNATED VOLUNTEER;
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epinephrine to be used in an emergency situation; (5) A requirement that the nonpublic school develop and implement the method for notifying the parents or guardians of students of the school's policy under section at the beginning of each school year; and (6) An engoing process for eversight and monitoring by a licensed by care practitioner of the implementation of the policy established under subsection (b) esection. (7) (1) An authorized licensed health care practitioner of provide auto-injectable epinephrine to a school nurse or designation. (8) An engoing process for eversight and monitoring by a licensed by care practitioner of the implementation of the policy established under subsection (b) of section.	18		(4)	A provision authorizing a school nurse or other licensed health care
epinephrine to be used in an emergency situation; (5) A requirement that the nonpublic school develop and implement the method for notifying the parents or guardians of students of the school's policy under section at the beginning of each school year; and (6) An engoing process for eversight and monitoring by a licensed by care practitioner of the implementation of the policy established under subsection (b) esection. (7) (1) An authorized licensed health care practitioner of provide auto-injectable epinephrine to a school nurse or designation. (8) An engoing process for eversight and monitoring by a licensed by care practitioner of the implementation of the policy established under subsection (b) of section.	9	practitione	r to ob	tain and, school personnel to store, at a nonpublic school auto-injectable
method for notifying the parents or guardians of students of the school's policy under section at the beginning of each school year; and (6) An ongoing process for oversight and monitoring by a licensed has care practitioner of the implementation of the policy established under subsection (b) of section. (7) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER PROVIDE AUTO INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATION OF THE PROVIDE AUTO OF THE PROVIDE OF THE PROVID	20			
23 section at the beginning of each school year; and 24 (6) An ongoing process for oversight and monitoring by a licensed had care practitioner of the implementation of the policy established under subsection (b) of section. 26 (D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER PROVIDE AUTO INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATION OF THE PROVIDE AUTO OF THE PROVIDE AUTO OF THE PROVIDE AUTO OF THE PROVIDE OF THE PROVI	21		(5)	A requirement that the nonpublic school develop and implement a
24 (6) An ongoing process for oversight and monitoring by a licensed has care practitioner of the implementation of the policy established under subsection (b) of section. 26 (D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER—PROVIDE AUTO—INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATION OF THE PROVIDE AUTO—INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATION OF THE PROVIDE AUTO—INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATION OF THE PROVIDE AUTO—INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATION.	22	method for	-notify	ing the parents or guardians of students of the school's policy under this
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26 section. 27 (D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER. 28 PROVIDE AUTO-INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATED OF SECTION. 29 VOLUNTEER FOR USE IN ACCORDANCE WITH THIS SECTION.	24		(6)	An ongoing process for oversight and monitoring by a licensed health
27 (D) (1) An authorized licensed health care practitioner 28 provide auto-injectable epinephrine to a school nurse or designa 29 volunteer for use in accordance with this section.	25	care practit	tioner (of the implementation of the policy established under subsection (b) of this
28 PROVIDE AUTO-INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNA 29 VOLUNTEER FOR USE IN ACCORDANCE WITH THIS SECTION.	26	section.		
29 VOLUNTEER FOR USE IN ACCORDANCE WITH THIS SECTION.	27	(D)	(1)	AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY
	28	PROVIDE .	AUTO-	INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATED
30 (2) Auto injectable epinephrine used under this sect	29	VOLUNTEI	ER FOI	? USE IN ACCORDANCE WITH THIS SECTION.
(-,	30		(2)	AUTO INJECTABLE EPINEPHRINE USED UNDER THIS SECTION

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

MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.

31

1	(4) A NONPUBLIC SCHOOL MAY APPLY FOR GRANTS TO OBTAIN
2	FUNDING FOR THE PURCHASE OF AUTO-INJECTABLE EPINEPHRINE FROM A
3	LICENSED DHADMACY OF MANUEACTURED

- 4 **[(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.
- 8 **7-426.6.**
- 9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS 10 INDICATED.
- 11 (2) "ASTHMA" MEANS A CHRONIC LUNG DISEASE THAT INFLAMES 12 AND NARROWS AIR PASSAGES, CAUSING RECURRING PERIODS OF WHEEZING, CHEST
- 13 TIGHTNESS, SHORTNESS OF BREATH, AND COUGHING.
- 14 (3) "BRONCHODILATOR" MEANS MEDICATION THAT RELAXES
 15 BRONCHIAL MUSCLES, RESULTING IN THE EXPANSION OF BRONCHIAL AIR
 16 PASSAGES TO PROVIDE FAST TREATMENT OF ASTHMA-RELATED SYMPTOMS AND
 17 SYMPTOMS OF RESPIRATORY DISTRESS.
- 18 (4) "SCHOOL PERSONNEL" MEANS INDIVIDUALS WHO ARE EMPLOYED
 19 BY A PUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS AND
 20 SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH
 21 SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING NURSES, AND
 22 ADMINISTRATIVE STAFF.
- 23 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, 24 EACH COUNTY BOARD SHALL ESTABLISH A POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE AND OTHER SCHOOL PERSONNEL 25 26 TO ADMINISTER A BRONCHODILATOR TO A STUDENT WHO IS DETERMINED BY AN 27 INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED IN SUBSECTION (C) OF 28 THIS SECTION TO HAVE ASTHMA, IS EXPERIENCING ASTHMA RELATED SYMPTOMS, OR IS PERCEIVED TO BE IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE 29 30 STUDENT:
- 31 (I) HAS BEEN DIAGNOSED WITH ASTHMA OR REACTIVE AIRWAY
 32 DISEASE; OR
- 33 (H) HAS BEEN PRESCRIBED A BRONCHODILATOR BY AN 34 AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH 35 OCCUPATIONS ARTICLE.

1	(2) NEITHER A SCHOOL NURSE NOR ANY OTHER SCHOOL PERSONNEI
2	MAY-ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN STUDENT UNLESS
3	THE STUDENT HAS BEEN DIAGNOSED WITH ASTHMA OR A REACTIVE AIRWAY DISEASI
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.
10	(p)
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:
10	
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 ANI
21	STORE AT A PUBLIC SCHOOL BRONCHODILATORS AND MODES OF DELIVERY
$\frac{1}{22}$	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 VOLUNTEEI
30	FOR USE IN ACCORDANCE WITH THIS SECTION.
31	(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.

32

33

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

- 4 (4) A COUNTY BOARD MAY APPLY FOR GRANTS TO OBTAIN FUNDING
 5 FOR THE PURCHASE OF BRONCHODILATORS AND MODES OF ADMINISTRATION,
 6 INCLUDING INHALERS WITH SPACERS.
- 7 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEFORE THE
 8 2024–2025 SCHOOL YEAR, EACH COUNTY BOARD SHALL ESTABLISH A POLICY FOR
 9 PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE A SCHOOL NURSE OR
 10 OTHER SCHOOL PERSONNEL DESIGNATED BY THE SCHOOL NURSE TO ADMINISTER A
 11 BRONCHODILATOR TO A STUDENT WHO IS EXPERIENCING ASTHMA, REACTIVE
 12 AIRWAY DISEASE, OR ASTHMA–RELATED SYMPTOMS.
- 13 (2) THE POLICY ESTABLISHED UNDER THIS SUBSECTION SHALL
 14 LIMIT THE ADMINISTRATION OF A BRONCHODILATOR TO CASES IN WHICH A
 15 STUDENT HAS BEEN PRESCRIBED A BRONCHODILATOR BY AN AUTHORIZED,
 16 LICENSED HEALTH CARE PRACTITIONER IN ACCORDANCE WITH THE HEALTH
 17 OCCUPATIONS ARTICLE.
- 18 (C) THE POLICY REQUIRED UNDER SUBSECTION (B) OF THIS SECTION
 19 SHALL INCLUDE:
- 20 (1) PROVISIONS AUTHORIZING A SCHOOL NURSE TO OBTAIN AND
 21 STORE AT A PUBLIC SCHOOL BRONCHODILATORS TO BE USED IN AN EMERGENCY
 22 SITUATION: AND
- 23 (2) PROCEDURES FOR THE DESIGNATION OF SCHOOL PERSONNEL BY
 24 A SCHOOL NURSE, IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE, TO
 25 RESPOND TO A STUDENT EXPERIENCING ASTHMA, REACTIVE AIRWAY DISEASE, OR
 26 ASTHMA-RELATED SYMPTOMS IN AN EMERGENCY SETTING.
- 27 (F) (D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A
 28 SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH
 29 TO THE ASTHMA ATTACK OR RESPIRATORY DISTRESS OF A CHILD IN ACCORDANCE
 30 WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR
 31 OMISSION IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.
- 32 (G) (E) (1) (I) FOR EACH INCIDENT AT THE SCHOOL OR AT A
 33 RELATED SCHOOL EVENT THAT REQUIRES THE USE OF A BRONCHODILATOR, EACH
 34 PUBLIC-SCHOOL SHALL:

- 1 NOTIFY THE STUDENT'S PARENT OR LEGAL
- 2 GUARDIAN OF THE INCIDENT; AND
- 3 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.

- 1 (D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY
 2 PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR DESIGNATED VOLUNTEER
 3 FOR USE IN ACCORDANCE WITH THIS SECTION.
- 4 (2) BRONCHODILATORS AND MODES OF ADMINISTRATION,
 5 INCLUDING INHALERS WITH SPACERS, USED BY A SCHOOL NURSE OR ANY OTHER
 6 SCHOOL PERSONNEL MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.
- 7 (3) A NONPUBLIC SCHOOL MAY ACCEPT DONATED
 8 BRONCHODILATORS AND MODES OF ADMINISTRATION, INCLUDING INHALERS WITH
 9 SPACERS, FROM A LICENSED PHARMACY OR MANUFACTURER.
- 10 (4) A NONPUBLIC SCHOOL MAY APPLY FOR GRANTS TO OBTAIN
 11 FUNDING FOR THE PURCHASE OF BRONCHODILATORS AND MODES OF
 12 ADMINISTRATION, INCLUDING INHALERS WITH SPACERS.
- 13 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEFORE THE
 14 2024–2025 SCHOOL YEAR, EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH
 15 A POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE
 16 SCHOOL NURSE OR OTHER SCHOOL PERSONNEL DESIGNATED BY THE SCHOOL
 17 NURSE TO ADMINISTER A BRONCHODILATOR TO A STUDENT WHO IS EXPERIENCING
 18 ASTHMA, REACTIVE AIRWAY DISEASE, OR ASTHMA—RELATED SYMPTOMS.
- 19 (2) A POLICY ESTABLISHED UNDER THIS SUBSECTION SHALL LIMIT
 20 THE ADMINISTRATION OF A BRONCHODILATOR TO CASES IN WHICH A STUDENT HAS
 21 BEEN PRESCRIBED A BRONCHODILATOR BY AN AUTHORIZED, LICENSED HEALTH
 22 CARE PRACTITIONER IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE.
- 23 (C) A POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION 24 SHALL INCLUDE:
- 25 (1) PROVISIONS AUTHORIZING A SCHOOL NURSE TO OBTAIN AND STORE AT A NONPUBLIC SCHOOL BRONCHODILATORS TO BE USED IN AN EMERGENCY SITUATION; AND
- 28 (2) PROCEDURES FOR THE DESIGNATION OF SCHOOL PERSONNEL BY
 29 A SCHOOL NURSE, IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE, TO
 30 RESPOND TO A STUDENT EXPERIENCING ASTHMA, REACTIVE AIRWAY DISEASE, OR
 31 ASTHMA-RELATED SYMPTOMS IN AN EMERGENCY SETTING.
- 32 (E) (D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A
 33 SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH
 34 TO THE ASTHMA ATTACK OR RESPIRATORY DISTRESS OF A CHILD IN ACCORDANCE

$1\\2$	WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.
3	SECTION 2. AND BE IT FURTHER ENACTED, That:
$4\\5\\6\\7$	(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.
8 9 10 11	(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.
12 13 14 15 16	(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.
17 18	SECTION $\stackrel{2}{=}$ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.
	Approved:
	Governor.

President of the Senate.

Speaker of the House of Delegates.