

HB0086/273721/1

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 86  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Auto-Injectable Epinephrine and**”; strike beginning with “requiring” in line 4 down through “anaphylaxis;” in line 8; in line 9, strike “certain groups” and substitute “the Maryland Department of Health”; in line 11, strike “each county board” and substitute “the Maryland Department of Health, in consultation with county boards,”; in line 14, strike “have asthma, is” and substitute “be, or is perceived to be,”; in the same line, strike “symptoms,” and substitute “symptoms”; in line 15, strike “any other” and substitute “certain designated”; in lines 16 and 17, strike “auto-injectable epinephrine and”; 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 page 6, in line 5, after “(4)” insert “(I)”; strike beginning with “INCLUDING” in line 6 down through “STAFF” in line 9 and substitute “OR, IN THE CASE OF SOME SCHOOL HEALTH STAFF, BY A LOCAL HEALTH DEPARTMENT.”

(II) “SCHOOL PERSONNEL” INCLUDES PART-TIME EMPLOYEES, TEACHERS, SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING NURSES, AND ADMINISTRATIVE STAFF”;

in line 11, strike “EACH COUNTY BOARD” and substitute “THE MARYLAND DEPARTMENT OF HEALTH, IN CONSULTATION WITH COUNTY BOARDS,”; in lines 11 and 12, strike “WITHIN ITS JURISDICTION”; in line 12, strike “OTHER” and substitute “DESIGNATED”; in line 15, strike “HAVE ASTHMA, IS” and substitute “BE, OR IS PERCEIVED TO BE,”; in line 16, strike the first comma; in line 23, after “OTHER”

insert "DESIGNATED"; strike in their entirety lines 28 through 34, inclusive, and substitute:

**“(C) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF HEALTH, SHALL IDENTIFY OR DEVELOP TRAINING TO:**

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

**(II) IDENTIFY THE SYMPTOMS OF ANAPHYLAXIS; AND**

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

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

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

On page 7, in lines 4 and 15, in each instance, strike “VOLUNTEER” and substitute “SCHOOL PERSONNEL”; after line 4, insert:

**“(3) PROCEDURES FOR RECOGNIZING THE NEED TO ADMINISTER A BRONCHODILATOR AND FOR ADMINISTERING A BRONCHODILATOR BASED ON THE SEVERITY OF THE SYMPTOMS BEING EXPERIENCED BY A STUDENT;”;**

in lines 5, 6, and 10, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(4)”, “(5)”, and “(7)”, respectively; strike beginning with “AUTHORIZING” in line 6 down through “SCHOOL” in line 7 and substitute “REQUIRING THAT”; in line 8, after the

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comma insert "BE STORED IN PUBLIC SCHOOLS"; in line 9, strike "AND"; after line 9, insert:

**"(6) A PROVISION AUTHORIZING A COUNTY BOARD TO OBTAIN A STANDING ORDER FOR THE ADMINISTRATION OF BRONCHODILATORS; AND";**

in line 18, strike "ANY OTHER" and substitute "DESIGNATED"; in line 26, after "(F)" insert "(1)"; after line 30, insert:

**"(2) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A HEALTH CARE PROVIDER WHO PRESCRIBES OR DISPENSES A BRONCHODILATOR USED TO TREAT A CHILD IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION THAT OCCURS IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS."**

and in line 32, strike "BRONCHODILATOR" and substitute "STOCK BRONCHODILATOR IN ACCORDANCE WITH THIS SECTION".

On page 8, in line 9, strike "BRONCHODILATOR" and substitute "STOCK BRONCHODILATOR IN ACCORDANCE WITH THIS SECTION"; in line 30, strike "OTHER" and substitute "DESIGNATED"; in line 32, strike "PROVIDED UNDER § 7-426.2(C)" and substitute "DEVELOPED UNDER § 7-426.6(C)"; in line 33, strike "HAVE ASTHMA, IS" and substitute "BE, OR IS PERCEIVED TO BE,"; and in the same line, strike "SYMPTOMS," and substitute "SYMPTOMS".

On page 9, in line 6, after "OTHER" insert "DESIGNATED"; in lines 13 and 14, strike "§ 7-426.2(C)" and substitute "§ 7-426.6(C)"; in line 19, strike "VOLUNTEER" and substitute "SCHOOL PERSONNEL"; after line 19, insert:

(Over)

**“(3) PROCEDURES FOR RECOGNIZING THE NEED TO ADMINISTER A BRONCHODILATOR AND FOR ADMINISTERING A BRONCHODILATOR BASED ON THE SEVERITY OF THE SYMPTOMS BEING EXPERIENCED BY A STUDENT;”**;

in lines 20, 21, 26, and 30, strike “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(4)”, “(5)”, “(6)”, and “(8)”, respectively; strike beginning with “AUTHORIZING” in line 21 down through “SITUATION” in line 24 and substitute “**REQUIRING THAT**”; in line 25, after “SPACERS” insert “**, BE STORED IN NONPUBLIC SCHOOLS TO BE USED IN AN EMERGENCY SITUATION**”; in line 29, strike “AND”; and after line 29, insert:

**“(7) A PROVISION AUTHORIZING A NONPUBLIC SCHOOL TO OBTAIN A STANDING ORDER FOR THE ADMINISTRATION OF BRONCHODILATORS; AND”**.

On page 10, in line 4, strike “ANY OTHER” and substitute “**DESIGNATED**”; in line 12, after “(E)” insert “(1)”; and after line 16, insert:

**“(2) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A HEALTH CARE PROVIDER WHO PRESCRIBES OR DISPENSES A BRONCHODILATOR USED TO TREAT A CHILD IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION THAT OCCURS IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.”**.