

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

A BILL ENTITLED

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 and authorizing nonpublic schools in the State
12 to establish a policy to obtain, administer, and train certain school nurses and other
13 school personnel to administer in emergency situations bronchodilators to a student
14 who is determined to have asthma, is experiencing asthma-related symptoms, or is
15 perceived to be in respiratory distress by a school nurse or any other school
16 personnel; and generally relating to use and availability of auto-injectable
17 epinephrine and bronchodilators in public and nonpublic schools in the State.

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 7-426.2 and 7-426.3
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2023 Supplement)

23 BY adding to
24 Article – Education
25 Section 7-426.6 and 7-426.7
26 Annotated Code of Maryland
27 (2022 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 7–426.2.

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

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

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

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

17 (1) Has been identified as having an anaphylactic allergy, as defined in §
18 7–426.1 of this subtitle; or

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

22 (c) **(1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND**
23 **DEPARTMENT OF HEALTH, THE AMERICAN LUNG ASSOCIATION, AND THE ASTHMA**
24 **AND ALLERGY FOUNDATION OF AMERICA, SHALL IDENTIFY OR DEVELOP TRAINING**
25 **TO:**

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

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

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

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

1 CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF
2 THE TRAINING.

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

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

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

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

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

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

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

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

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

22 (3) A COUNTY BOARD OR PUBLIC SCHOOL MAY ACCEPT DONATED
23 AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACY OR
24 MANUFACTURER.

25 (4) A COUNTY BOARD MAY APPLY FOR GRANTS TO OBTAIN FUNDING
26 FOR THE PURCHASE OF AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED
27 PHARMACY OR MANUFACTURER.

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

32 [(e)] (G) (1) Each public school shall submit, on the form that the Department

1 requires, a report to the Department on each incident at the school or at a related school
2 event that required the use of auto-injectable epinephrine.

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

5 7-426.3.

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

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

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

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

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

21 (1) Has been identified as having an anaphylactic allergy, as defined in §
22 7-426.1 of this subtitle; or

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **7-426.6.**

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

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

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

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

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

18 **(I) HAS BEEN DIAGNOSED WITH ASTHMA OR REACTIVE AIRWAY**
19 **DISEASE; OR**

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

23 **(2) NEITHER A SCHOOL NURSE NOR ANY OTHER SCHOOL PERSONNEL**
24 **MAY ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN STUDENT UNLESS**
25 **THE STUDENT HAS BEEN DIAGNOSED WITH ASTHMA OR A REACTIVE AIRWAY DISEASE**
26 **AND HAS A PRESCRIPTION FOR A BRONCHODILATOR AS PRESCRIBED BY THE**
27 **STUDENT’S HEALTH CARE PRACTITIONER.**

28 **(C) (1) THE TRAINING IDENTIFIED OR DEVELOPED UNDER § 7-426.2(C)**
29 **OF THIS SUBTITLE SHALL BE PROVIDED TO SCHOOL NURSES AND VOLUNTARY**
30 **SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE**
31 **CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF**
32 **THE TRAINING.**

33 **(2) THE TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A**
34 **PAID PROFESSIONAL DEVELOPMENT TRAINING.**

35 **(D) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION**
36 **SHALL INCLUDE:**

1 **(1) THE TRAINING REQUIRED UNDER SUBSECTION (C) OF THIS**
2 **SECTION;**

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

5 **(3) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;**

6 **(4) A PROVISION AUTHORIZING A SCHOOL NURSE TO OBTAIN AND**
7 **STORE AT A PUBLIC SCHOOL BRONCHODILATORS AND MODES OF DELIVERY,**
8 **INCLUDING INHALERS WITH SPACERS, TO BE USED IN AN EMERGENCY SITUATION;**
9 **AND**

10 **(5) A REQUIREMENT THAT EACH PUBLIC SCHOOL DEVELOP AND**
11 **IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS**
12 **OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH**
13 **SCHOOL YEAR.**

14 **(E) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY**
15 **PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR DESIGNATED VOLUNTEER**
16 **FOR USE IN ACCORDANCE WITH THIS SECTION.**

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

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

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

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

31 **(G) (1) (I) FOR EACH INCIDENT AT THE SCHOOL OR AT A RELATED**
32 **SCHOOL EVENT THAT REQUIRES THE USE OF A BRONCHODILATOR, EACH PUBLIC**
33 **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 (II) 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.

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

13 **7-426.7.**

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

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

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

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

28 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
29 EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY AUTHORIZING
30 THE SCHOOL NURSE AND OTHER SCHOOL PERSONNEL TO ADMINISTER A
31 BRONCHODILATOR TO A STUDENT WHO IS DETERMINED BY AN INDIVIDUAL WHO HAS
32 UNDERGONE THE TRAINING PROVIDED UNDER § 7-426.2(C) OF THIS SUBTITLE TO
33 HAVE ASTHMA, IS EXPERIENCING ASTHMA-RELATED SYMPTOMS, OR IS PERCEIVED
34 TO BE IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE STUDENT:

1 **(I) HAS BEEN DIAGNOSED WITH ASTHMA OR REACTIVE AIRWAY**
2 **DISEASE; OR**

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

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

11 **(C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION**
12 **SHALL INCLUDE:**

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

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 OR ANY OTHER**
21 **LICENSED HEALTH CARE PRACTITIONER TO OBTAIN, AND A SCHOOL NURSE OR ANY**
22 **OTHER SCHOOL PERSONNEL TO STORE, AT A NONPUBLIC SCHOOL FOR USE IN AN**
23 **EMERGENCY SITUATION BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING**
24 **INHALERS WITH SPACERS;**

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

29 **(6) AN ONGOING PROCESS FOR OVERSIGHT AND MONITORING BY A**
30 **LICENSED HEALTH CARE PRACTITIONER OF THE IMPLEMENTATION OF THE POLICY**
31 **ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.**

32 **(D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY**
33 **PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR DESIGNATED VOLUNTEER**

1 FOR USE IN ACCORDANCE WITH THIS SECTION.

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

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2024.