

# HOUSE BILL 384

F1

2lr0933

---

By: **Delegate Boyce**

Introduced and read first time: January 19, 2022

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Public and Nonpublic Schools – Bronchodilator Availability and Use – Policy**

3 FOR the purpose of requiring each county board of education and authorizing nonpublic  
4 schools in the State to establish a policy to obtain, administer, and train certain  
5 school nurses and other school personnel to administer in emergency situations  
6 bronchodilators to a student who is determined to have asthma and is experiencing  
7 asthma-related symptoms or is perceived to be in respiratory distress by a school  
8 nurse or any other school personnel; and generally relating to a bronchodilator  
9 availability and use policy in public and nonpublic schools in the State.

10 BY adding to

11 Article – Education

12 Section 7–426.6 and 7–426.7

13 Annotated Code of Maryland

14 (2018 Replacement Volume and 2021 Supplement)

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

17 **Article – Education**

18 **7–426.6.**

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

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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, IF AVAILABLE, TO A STUDENT WHO IS**  
14 **DETERMINED TO HAVE ASTHMA, IS EXPERIENCING ASTHMA-RELATED SYMPTOMS,**  
15 **OR IS PERCEIVED TO BE IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE**  
16 **STUDENT:**

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

19                           **(II) HAS A PRESCRIPTION FOR A BRONCHODILATOR AS**  
20 **PRESCRIBED BY AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER**  
21 **THE HEALTH OCCUPATIONS ARTICLE.**

22           **(2) A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL MAY NOT**  
23 **ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN STUDENT UNLESS THE**  
24 **STUDENT HAS BEEN DIAGNOSED WITH ASTHMA OR A REACTIVE AIRWAY DISEASE**  
25 **AND HAS A PRESCRIPTION FOR A BRONCHODILATOR AS PRESCRIBED BY THE**  
26 **STUDENT’S HEALTH CARE PRACTITIONER.**

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

29                           **(1) TRAINING FOR SCHOOL NURSES AND OTHER SCHOOL PERSONNEL**  
30 **ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ASTHMA AND RESPIRATORY**  
31 **DISTRESS;**

32                           **(2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A**  
33 **BRONCHODILATOR;**

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

1           (4) A PROVISION AUTHORIZING A SCHOOL NURSE TO OBTAIN AND  
2 STORE AT A PUBLIC SCHOOL BRONCHODILATORS AND MODES OF DELIVERY,  
3 INCLUDING INHALERS WITH SPACERS, TO BE USED IN AN EMERGENCY SITUATION;  
4 AND

5           (5) A REQUIREMENT THAT EACH PUBLIC SCHOOL DEVELOP AND  
6 IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS  
7 OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH  
8 SCHOOL YEAR.

9           (D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY  
10 PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR ANY OTHER SCHOOL  
11 PERSONNEL FOR USE IN ACCORDANCE WITH THIS SECTION.

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

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

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

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

26           (F) (1) (I) FOR EACH INCIDENT AT THE SCHOOL OR AT A RELATED  
27 SCHOOL EVENT THAT REQUIRED THE USE OF A BRONCHODILATOR, EACH PUBLIC  
28 SCHOOL SHALL:

29                           1. NOTIFY THE STUDENT'S PARENT OR LEGAL  
30 GUARDIAN OF THE INCIDENT; AND

31                           2. MAKE A RECORD OF THE INCIDENT, ON THE FORM  
32 THAT THE DEPARTMENT REQUIRES, AND FILE THE FORM IN THE STUDENT'S SCHOOL  
33 MEDICAL RECORD.

1 (II) EACH PUBLIC SCHOOL SHALL SUBMIT TO THE  
2 DEPARTMENT A REPORT, ON THE FORM AND SCHEDULE REQUIRED BY THE  
3 DEPARTMENT, ON THE NUMBER OF INCIDENTS AT THE SCHOOL OR AT A RELATED  
4 SCHOOL EVENT THAT REQUIRED THE USE OF A BRONCHODILATOR.

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

8 7-426.7.

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 NONPUBLIC 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) EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A  
24 POLICY AUTHORIZING THE SCHOOL NURSE AND OTHER SCHOOL PERSONNEL TO  
25 ADMINISTER, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
26 BRONCHODILATOR, IF AVAILABLE, TO A STUDENT WHO IS DETERMINED TO HAVE  
27 ASTHMA, IS EXPERIENCING ASTHMA-RELATED SYMPTOMS, OR IS PERCEIVED TO BE  
28 IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE STUDENT:

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

31 (II) HAS A PRESCRIPTION FOR A BRONCHODILATOR AS  
32 PRESCRIBED BY AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER  
33 THE HEALTH OCCUPATIONS ARTICLE.

1           **(2) A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL MAY NOT**  
2 **ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN STUDENT UNLESS THE**  
3 **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) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION**  
7 **SHALL INCLUDE:**

8           **(1) TRAINING FOR SCHOOL NURSES AND OTHER SCHOOL PERSONNEL**  
9 **ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ASTHMA AND RESPIRATORY**  
10 **DISTRESS BY A LICENSED HEALTH CARE PRACTITIONER WHO IS AUTHORIZED TO**  
11 **ADMINISTER A BRONCHODILATOR AND WHO HAS BEEN TRAINED IN AN ESTABLISHED**  
12 **PROTOCOL ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ASTHMA AND**  
13 **RESPIRATORY DISTRESS;**

14           **(2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A**  
15 **BRONCHODILATOR;**

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

17           **(4) A PROVISION AUTHORIZING A SCHOOL NURSE OR ANY OTHER**  
18 **LICENSED HEALTH CARE PRACTITIONER TO OBTAIN, AND A SCHOOL NURSE OR ANY**  
19 **OTHER SCHOOL PERSONNEL TO STORE, AT A NONPUBLIC SCHOOL FOR USE IN AN**  
20 **EMERGENCY SITUATION BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING**  
21 **INHALERS WITH SPACERS;**

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

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

29           **(D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY**  
30 **PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR ANY OTHER SCHOOL**  
31 **PERSONNEL FOR USE IN ACCORDANCE WITH THIS SECTION.**

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

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

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

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

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2022.