

HOUSE BILL 384

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2lr0933

By: **Delegate Boyce**

Introduced and read first time: January 19, 2022

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2022

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of requiring each county board of education and authorizing nonpublic
5 schools in the State to establish a policy to obtain, administer, and train certain
6 school nurses and other school personnel to administer in emergency situations
7 bronchodilators to a student who is determined to have asthma and is experiencing
8 asthma-related symptoms or is perceived to be in respiratory distress by a school
9 nurse or any other school personnel; requiring each county board and authorizing
10 nonpublic schools in the State to update their policies to require certain school nurses
11 and other school personnel to complete a certain training before they are authorized
12 to administer auto-injectable epinephrine to a student who is determined to be, or
13 is perceived to be, in anaphylaxis; requiring the State Department of Education, in
14 consultation with certain groups, to identify or develop a training for certain school
15 personnel to identify symptoms of anaphylaxis, asthma, or respiratory distress in
16 students; and generally relating to a bronchodilator and epinephrine availability and
17 use ~~policy~~ policies 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 (2018 Replacement Volume and 2021 Supplement)

23 BY adding to

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.



1 Article – Education
 2 Section 7–426.6 and 7–426.7
 3 Annotated Code of Maryland
 4 (2018 Replacement Volume and 2021 Supplement)

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

7 **Article – Education**

8 7–426.2.

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

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

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

15 (b) Each county board shall establish a policy for public schools within its
 16 jurisdiction to authorize the school nurse and other school personnel to administer
 17 auto–injectable epinephrine, if available, to a student who is determined BY AN
 18 **INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED IN SUBSECTION (C) OF**
 19 **THIS SECTION, IF AVAILABLE, to be or perceived to be in anaphylaxis, regardless of**
 20 **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) (1) **THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND**
 27 **DEPARTMENT OF HEALTH, THE AMERICAN LUNG ASSOCIATION, AND THE ASTHMA**
 28 **AND ALLERGY FOUNDATION OF AMERICA, SHALL IDENTIFY OR DEVELOP A**
 29 **TRAINING TO:**

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

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

1 (III) HOW TO DISTINGUISH BETWEEN ANAPHYLAXIS AND
2 ASTHMA OR RESPIRATORY DISTRESS.

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

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

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

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

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

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

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

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

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

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

27 (3) A COUNTY BOARD OR PUBLIC SCHOOL MAY ACCEPT DONATED
28 AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACY OR
29 MANUFACTURER.

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

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

5 [(e)] (G) (1) Each public school shall submit, on the form that the Department
6 requires, a report to the Department on each incident at the school or at a related school
7 event that required the use of auto-injectable epinephrine.

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

10 7-426.3.

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

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

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

17 (4) “School personnel” means individuals who are employed by a nonpublic
18 school, including part-time employees, teachers and substitute teachers employed by the
19 school for at least 7 days each school year, a school nurse, registered nurse case manager,
20 delegating nurse, and administrative staff.

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

26 (1) Has been identified as having an anaphylactic allergy, as defined in §
27 7-426.1 of this subtitle; or

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

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

32 (1) [Training for school personnel on how to recognize the signs and
33 symptoms of anaphylaxis by a licensed health care practitioner who is authorized to
34 administer auto-injectable epinephrine and who has been trained in an established

1 protocol on how to recognize the signs and symptoms of anaphylaxis] **THE TRAINING**
2 **IDENTIFIED OR DEVELOPED UNDER § 7-426.2(C) OF THIS SUBTITLE FOR SCHOOL**
3 **NURSES AND VOLUNTARY SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL**
4 **NURSE AND, IN THE CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE**
5 **APPROPRIATE RECIPIENTS OF THE TRAINING;**

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

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

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

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

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

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

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

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

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

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

32 **7-426.6.**

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

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

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

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

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

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

25 (II) HAS ~~A PRESCRIPTION FOR~~ BEEN PRESCRIBED A
26 BRONCHODILATOR ~~AS PRESCRIBED~~ BY AN AUTHORIZED LICENSED HEALTH CARE
27 PRACTITIONER UNDER THE HEALTH OCCUPATIONS ARTICLE.

28 (2) ~~A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL MAY NOT~~
29 NEITHER A SCHOOL NURSE NOR ANY OTHER SCHOOL PERSONNEL MAY ADMINISTER
30 A BRONCHODILATOR TO A PREKINDERGARTEN STUDENT UNLESS THE STUDENT HAS
31 BEEN DIAGNOSED WITH ASTHMA OR A REACTIVE AIRWAY DISEASE AND HAS A
32 PRESCRIPTION FOR A BRONCHODILATOR AS PRESCRIBED BY THE STUDENT'S
33 HEALTH CARE PRACTITIONER.

34 (C) (1) THE TRAINING IDENTIFIED OR DEVELOPED UNDER § 7-426.2(C)
35 OF THIS SUBTITLE SHALL BE PROVIDED TO SCHOOL NURSES AND OTHER
36 VOLUNTARY SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND,

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

3 (2) 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
6 SHALL INCLUDE:

7 ~~(1) TRAINING FOR SCHOOL NURSES AND OTHER SCHOOL PERSONNEL~~
8 ~~ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ASTHMA AND RESPIRATORY~~
9 ~~DISTRESS~~ THE TRAINING REQUIRED UNDER SUBSECTION (C) OF THIS SECTION;

10 (2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A
11 BRONCHODILATOR BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER;

12 (3) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;

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

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

21 ~~(D)~~ (E) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER
22 MAY PROVIDE BRONCHODILATORS TO A SCHOOL NURSE ~~OR ANY OTHER SCHOOL~~
23 ~~PERSONNEL~~ OR DESIGNATED VOLUNTEER FOR USE IN ACCORDANCE WITH THIS
24 SECTION.

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

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

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

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

6 ~~(F)~~ **(G)** **(1) (I)** FOR EACH INCIDENT AT THE SCHOOL OR AT A
7 RELATED SCHOOL EVENT THAT REQUIRED THE USE OF A BRONCHODILATOR, EACH
8 PUBLIC SCHOOL SHALL:

9 1. NOTIFY THE STUDENT’S PARENT OR LEGAL
10 GUARDIAN OF THE INCIDENT; AND

11 2. MAKE A RECORD OF THE INCIDENT, ON THE FORM
12 THAT THE DEPARTMENT REQUIRES, AND FILE THE FORM IN THE STUDENT’S SCHOOL
13 MEDICAL RECORD.

14 **(II)** EACH PUBLIC SCHOOL SHALL SUBMIT TO THE
15 DEPARTMENT A REPORT, ON THE FORM AND SCHEDULE REQUIRED BY THE
16 DEPARTMENT, ON THE NUMBER OF INCIDENTS AT THE SCHOOL OR AT A RELATED
17 SCHOOL EVENT THAT REQUIRED THE USE OF A BRONCHODILATOR.

18 **(2)** THE DEPARTMENT SHALL DEVELOP AND DISSEMINATE
19 STANDARD FORMS TO RECORD EACH INCIDENT AND REPORT INCIDENTS REQUIRING
20 THE USE OF A BRONCHODILATOR AT A PUBLIC SCHOOL.

21 **7-426.7.**

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

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

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

31 **(4)** “SCHOOL PERSONNEL” MEANS INDIVIDUALS WHO ARE EMPLOYED
32 BY A NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS AND
33 SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH

1 SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING NURSES, AND
2 ADMINISTRATIVE STAFF.

3 (B) (1) ~~EACH~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
4 SUBSECTION, EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY
5 AUTHORIZING THE SCHOOL NURSE AND OTHER SCHOOL PERSONNEL TO
6 ADMINISTER, ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~ A
7 BRONCHODILATOR, IF AVAILABLE, TO A STUDENT WHO IS DETERMINED BY AN
8 INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED UNDER § 7-426.2(C)
9 OF THIS SUBTITLE, IF AVAILABLE, TO HAVE ASTHMA, IS EXPERIENCING
10 ASTHMA-RELATED SYMPTOMS, OR IS PERCEIVED TO BE IN RESPIRATORY DISTRESS,
11 REGARDLESS OF WHETHER THE STUDENT:

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

14 (II) HAS ~~A PRESCRIPTION FOR~~ BEEN PRESCRIBED A
15 BRONCHODILATOR AS PRESCRIBED BY AN AUTHORIZED LICENSED HEALTH CARE
16 PRACTITIONER UNDER THE HEALTH OCCUPATIONS ARTICLE.

17 (2) A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL MAY NOT
18 ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN STUDENT UNLESS THE
19 STUDENT HAS BEEN DIAGNOSED WITH ASTHMA OR A REACTIVE AIRWAY DISEASE
20 AND HAS A PRESCRIPTION FOR A BRONCHODILATOR AS PRESCRIBED BY THE
21 STUDENT'S HEALTH CARE PRACTITIONER.

22 (C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION
23 SHALL INCLUDE:

24 (1) ~~TRAINING FOR SCHOOL NURSES AND OTHER SCHOOL PERSONNEL~~
25 ~~ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ASTHMA AND RESPIRATORY~~
26 ~~DISTRESS BY A LICENSED HEALTH CARE PRACTITIONER WHO IS AUTHORIZED TO~~
27 ~~ADMINISTER A BRONCHODILATOR AND WHO HAS BEEN TRAINED IN AN ESTABLISHED~~
28 ~~PROTOCOL ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ASTHMA AND~~
29 ~~RESPIRATORY DISTRESS~~ THE TRAINING IDENTIFIED OR DEVELOPED UNDER §
30 7-426.2(C) OF THIS SUBTITLE FOR SCHOOL NURSES AND VOLUNTARY SCHOOL
31 PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE CLINICAL
32 JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF THE
33 TRAINING;

34 (2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A
35 BRONCHODILATOR BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER;

36 (3) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;

1 (4) A PROVISION AUTHORIZING A SCHOOL NURSE OR ANY OTHER
2 LICENSED HEALTH CARE PRACTITIONER TO OBTAIN, AND A SCHOOL NURSE OR ANY
3 OTHER SCHOOL PERSONNEL TO STORE, AT A NONPUBLIC SCHOOL FOR USE IN AN
4 EMERGENCY SITUATION BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING
5 INHALERS WITH SPACERS;

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

10 (6) AN ONGOING PROCESS FOR OVERSIGHT AND MONITORING BY A
11 LICENSED HEALTH CARE PRACTITIONER OF THE IMPLEMENTATION OF THE POLICY
12 ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

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

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

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

26 (E) 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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
32 1, 2022.