

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Koster offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (h) of subsection (3) of section
 8 1002.20, Florida Statutes, is amended to read:

9 1002.20 K-12 student and parent rights.—Parents of public
 10 school students must receive accurate and timely information
 11 regarding their child's academic progress and must be informed
 12 of ways they can help their child to succeed in school. K-12
 13 students and their parents are afforded numerous statutory
 14 rights including, but not limited to, the following:

15 (3) HEALTH ISSUES.—

16 (h) Short-acting bronchodilator ~~Inhaler~~ use.—

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17 1. As used in this paragraph, the term:

18 a. "Administer" means to give or directly apply a short-
19 acting bronchodilator or components to a student.

20 b. "Asthma" means a chronic lung disease that inflames and
21 narrows the airways, which can manifest as wheezing, chest
22 tightness, shortness of breath, and coughing.

23 c. "Authorized health care practitioner" means a physician
24 licensed under chapter 458 or chapter 459, a physician assistant
25 licensed under chapter 458 or chapter 459, or an advanced
26 practice registered nurse licensed under chapter 464.

27 d. "Components" means devices used as part of clinically
28 recommended use of short-acting bronchodilators, which may
29 include spacers, valved holding chambers, or nebulizers.

30 e. "Respiratory distress" refers to an individual
31 experiencing difficulty breathing, which can be caused by a
32 multitude of medical factors, including chronic diseases such as
33 asthma.

34 f. "Short-acting bronchodilator" means a beta-2 agonist,
35 such as albuterol, used for the quick relief of asthma symptoms
36 and recommended by the National Heart, Lung, and Blood
37 Institute's National Asthma Education and Prevention Program
38 Guidelines for the Treatment of Asthma. These bronchodilators
39 may include an orally inhaled medication that contains a
40 premeasured single dose of albuterol or albuterol sulfate
41 delivered by a nebulizer or compressor device or by a pressured

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42 metered-dose inhaler used to treat respiratory distress,
43 including, but not limited to, wheezing, shortness of breath,
44 and difficulty breathing, or another dosage of a short-acting
45 bronchodilator recommended in the Guidelines for the Treatment
46 of Asthma.

47 2. Asthmatic students whose parent and physician provide
48 their approval to the school principal may carry a short-acting
49 bronchodilator and components ~~metered-dose inhaler~~ on their
50 person while in school. The school principal shall be provided a
51 copy of the parent's and physician's approval.

52 3. An authorized health care practitioner may prescribe
53 short-acting bronchodilators and components in the name of a
54 public school for use in accordance with this section and a
55 licensed pharmacist may dispense short-acting bronchodilators
56 and components pursuant to a prescription issued in the name of
57 a public school for use in accordance with this section.

58 4. A public school may acquire and stock a supply of
59 short-acting bronchodilators and components from a wholesale
60 distributor as defined in s. 499.003 or may enter into an
61 arrangement with a wholesale distributor or manufacturer as
62 defined in s. 499.003 for short-acting bronchodilators and
63 components at fair-market, free, or reduced prices pursuant to a
64 prescription issued in accordance with this section. The short-
65 acting bronchodilators and components must be maintained in a
66 secure location on a school's premises.

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67 5. A participating public school must adopt a protocol
68 developed by a physician licensed under chapter 458 or chapter
69 459 for the administration of short-acting bronchodilators or
70 components by school personnel who are trained to recognize
71 symptoms of respiratory distress and to administer a short-
72 acting bronchodilator or components. The school district and the
73 protocol must provide guidance for administering short-acting
74 bronchodilators in instances of respiratory distress for a
75 student with a known diagnosis of asthma and if approved by the
76 school district for students with no known diagnosis of asthma.

77 6. The supply of short-acting bronchodilators and
78 components may be provided to and used by a trained school
79 personnel member or a student authorized to self-administer a
80 short-acting bronchodilator and components.

81 7. A public school may accept short-acting bronchodilators
82 and components as a donation or transfer if they are new,
83 unexpired, manufacturer-sealed, not subject to recall,
84 unadulterated, and in compliance with relevant regulations
85 adopted by the United States Food and Drug Administration.

86 8. A school nurse or trained school personnel shall only
87 administer short-acting bronchodilators and components to
88 students if they have successfully completed training and
89 believe in good faith that the student is experiencing
90 respiratory distress, regardless of whether the student has a
91 prescription for a short-acting bronchodilator and components or

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92 has previously been diagnosed with asthma.

93 9. The school district or school shall provide written
94 notice to the parent of each student enrolled in the school
95 district or school of the school's adopted protocol. The public
96 school must receive prior permission from the parent or guardian
97 to administer a short-acting bronchodilator or components to a
98 student.

99 10. Notwithstanding any other provision of law to the
100 contrary, a school nurse or school personnel of a school
101 district trained in the administration of short-acting
102 bronchodilator who administers or attempts to administer a
103 short-acting bronchodilator in compliance with this section and
104 s. 768.13, and the school district that employs the school nurse
105 or the trained school personnel, are immune from civil or
106 criminal liability as a result of such administration or
107 attempted administration of a short-acting bronchodilator.

108 11. a. An authorized health care practitioner, acting in
109 good faith and exercising reasonable care, is not subject to
110 discipline or other adverse action under any professional
111 licensure statute or rule and is immune from any civil or
112 criminal liability as a result of prescribing a short-acting
113 bronchodilator in accordance with this section.

114 b. A dispensing health care practitioner or pharmacist,
115 acting in good faith and exercising reasonable care, is not
116 subject to discipline or other adverse action under any

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117 professional licensure statute or rule and is immune from any
118 civil or criminal liability as a result of dispensing a short-
119 acting bronchodilator in accordance with this section.

120 Section 2. Subsection (18) of section 1002.42, Florida
121 Statutes, is renumbered as subsection (19) and subsection (18)
122 is added to that section, to read:

123 1002.42 Private schools.—

124 (18) SHORT-ACTING BRONCHODILATOR USE.—

125 (a) As used in this paragraph, the term:

126 1. "Administer" means to give or directly apply a short-
127 acting bronchodilator or components to a student.

128 2. "Asthma" means a chronic lung disease that inflames and
129 narrows the airways, which can manifest as wheezing, chest
130 tightness, shortness of breath, and coughing.

131 3. "Authorized health care practitioner" means a physician
132 licensed under chapter 458 or chapter 459, a physician assistant
133 licensed under chapter 458 or chapter 459, or an advanced
134 practice registered nurse licensed under chapter 464.

135 4. "Components" means devices used as part of clinically
136 recommended use of short-acting bronchodilators, which may
137 include spacers, valved holding chambers, or nebulizers.

138 5. "Respiratory distress" refers to an individual
139 experiencing difficulty breathing, which can be caused by a
140 multitude of medical factors, including chronic diseases such as
141 asthma.

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142 6. "Short-acting bronchodilator" means a beta-2 agonist,
143 such as albuterol, used for the quick relief of asthma symptoms
144 and recommended by the National Heart, Lung, and Blood
145 Institute's National Asthma Education and Prevention Program
146 Guidelines for the Treatment of Asthma. These bronchodilators
147 may include an orally inhaled medication that contains a
148 premeasured single dose of albuterol or albuterol sulfate
149 delivered by a nebulizer or compressor device or by a pressured
150 metered-dose inhaler used to treat respiratory distress,
151 including, but not limited to, wheezing, shortness of breath,
152 and difficulty breathing, or another dosage of a short-acting
153 bronchodilator recommended in the Guidelines for the Treatment
154 of Asthma.

155 (b) Asthmatic students whose parent and physician provide
156 their approval to the school principal may carry a short-acting
157 bronchodilator and components on their person while in school.
158 The school principal shall be provided a copy of the parent's
159 and physician's approval.

160 (c) An authorized health care practitioner may prescribe
161 short-acting bronchodilators and components in the name of a
162 private school for use in accordance with this section, and a
163 licensed pharmacist may dispense short-acting bronchodilators
164 and components pursuant to a prescription issued in the name of
165 a private school for use in accordance with this section.

166 (d) A private school may acquire and stock a supply of

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167 short-acting bronchodilators and components from a wholesale
168 distributor as defined in s. 499.003 or may enter into an
169 arrangement with a wholesale distributor or manufacturer as
170 defined in s. 499.003 for short-acting bronchodilators and
171 components at fair-market, free, or reduced prices pursuant to a
172 prescription issued in accordance with this section. The short-
173 acting bronchodilators and components must be maintained in a
174 secure location on the school premises.

175 (e) A participating private school must adopt a protocol
176 developed by a physician licensed under chapter 458 or chapter
177 459 for the administration of short-acting bronchodilators or
178 components by school personnel who are trained to recognize
179 symptoms of respiratory distress and to administer a short-
180 acting bronchodilator or components. The protocol must provide
181 guidance for administering short-acting bronchodilators in
182 instances of respiratory distress for a student with a known
183 diagnosis of asthma and if approved by the private school for
184 students with no known diagnosis of asthma.

185 (f) The supply of short-acting bronchodilators and
186 components may be provided to and used by a trained school
187 personnel member or a student authorized to self-administer a
188 short-acting bronchodilator and components.

189 (e) A private school may accept short-acting
190 bronchodilators and components as a donation or transfer if they
191 are new, unexpired, manufacturer-sealed, not subject to recall,

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192 unadulterated, and in compliance with relevant regulations
193 adopted by the United States Food and Drug Administration.

194 (f) A school nurse or trained school personnel shall only
195 administer short-acting bronchodilators and components to
196 students if they have successfully completed training and
197 believe in good faith that the student is experiencing
198 respiratory distress, regardless of whether the student has a
199 prescription for a short-acting bronchodilator and components or
200 has previously been diagnosed with asthma.

201 (g) The private school shall provide written notice to the
202 parent of each student enrolled in the private school of the
203 school's adopted protocol. The private school must receive prior
204 permission from the parent or guardian to administer a short-
205 acting bronchodilator or components to a student.

206 (h) Notwithstanding any other provision of law to the
207 contrary, a school nurse or school personnel of a private school
208 trained in the administration of short-acting bronchodilator who
209 administers or attempts to administer a short-acting
210 bronchodilator in compliance with this section and s. 768.13,
211 and the private school that employs the school nurse or the
212 trained school personnel, are immune from civil or criminal
213 liability as a result of such administration or attempted
214 administration of a short-acting bronchodilator.

215 (i)1. An authorized health care practitioner, acting in
216 good faith and exercising reasonable care, is not subject to

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217 discipline or other adverse action under any professional
218 licensure statute or rule and is immune from any civil or
219 criminal liability as a result of prescribing a short-acting
220 bronchodilator in accordance with this section.

221 2. A dispensing health care practitioner or pharmacist,
222 acting in good faith and exercising reasonable care, is not
223 subject to discipline or other adverse action under any
224 professional licensure statute or rule and is immune from any
225 civil or criminal liability as a result of dispensing a short-
226 acting bronchodilator in accordance with this section.

227 Section 3. This act shall take effect July 1, 2024.