

HB 883

2024

1 A bill to be entitled

2 An act relating to short-acting bronchodilator use in
3 public and private schools; amending ss. 1002.20 and
4 1002.42, F.S.; providing definitions; authorizing
5 certain public and private school students to carry a
6 short-acting bronchodilator and components; providing
7 for public and private schools to receive prescribed
8 short-acting bronchodilators and components in the
9 school's name; authorizing public and private schools
10 to acquire and stock a supply of short-acting
11 bronchodilators and components through specified
12 means; providing for the adoption of specified
13 protocols relating to such short-acting
14 bronchodilators and components; providing school
15 district, public and private school, and parental
16 requirements for the administration of such short-
17 acting bronchodilators and components; providing
18 construction; providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Paragraph (h) of subsection (3) of section
23 1002.20, Florida Statutes, is amended to read:

24 1002.20 K-12 student and parent rights.—Parents of public
25 school students must receive accurate and timely information

26 regarding their child's academic progress and must be informed
27 of ways they can help their child to succeed in school. K-12
28 students and their parents are afforded numerous statutory
29 rights including, but not limited to, the following:

30 (3) HEALTH ISSUES.—

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

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

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

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

38 c. "Authorized health care practitioner" means a physician
39 licensed under chapter 458 or chapter 459, a physician assistant
40 licensed under chapter 458 or chapter 459, or a registered nurse
41 licensed under chapter 464.

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

45 e. "Respiratory distress" refers to an individual
46 experiencing difficulty breathing, which can be caused by a
47 multitude of medical factors, including chronic diseases such as
48 asthma.

49 f. "Short-acting bronchodilator" means a beta-2 agonist,
50 such as albuterol, used for the quick relief of asthma symptoms

51 and recommended by the National Heart, Lung, and Blood
52 Institute's National Asthma Education and Prevention Program
53 Guidelines for the Treatment of Asthma. These bronchodilators
54 may include an orally inhaled medication that contains a
55 premeasured single dose of albuterol or albuterol sulfate
56 delivered by a nebulizer or by a pressured metered-dose inhaler
57 used to treat respiratory distress, including, but not limited
58 to, wheezing, shortness of breath, and difficulty breathing, or
59 another dosage of a short-acting bronchodilator recommended in
60 the Guidelines for the Treatment of Asthma.

61 2. Asthmatic students whose parent and physician provide
62 their approval to the school principal may carry a short-acting
63 bronchodilator and components ~~metered-dose inhaler~~ on their
64 person while in school. The school principal shall be provided a
65 copy of the parent's and physician's approval.

66 3. An authorized health care practitioner may prescribe
67 short-acting bronchodilators and components in the name of a
68 public school for use in accordance with this section and a
69 licensed pharmacist may dispense short-acting bronchodilators
70 and components pursuant to a prescription issued in the name of
71 a public school for use in accordance with this section.

72 4. A public school may acquire and stock a supply of
73 short-acting bronchodilators and components from a wholesale
74 distributor as defined in s. 499.003 or may enter into an
75 arrangement with a wholesale distributor or manufacturer as

76 defined in s. 499.003 for short-acting bronchodilators and
77 components at fair-market, free, or reduced prices pursuant to a
78 prescription issued in accordance with this section. The short-
79 acting bronchodilators and components must be maintained in a
80 secure location on a school's premises. The participating school
81 district shall adopt a protocol developed by a licensed
82 physician for administration of short-acting bronchodilators or
83 components by school personnel who are trained to recognize
84 symptoms of respiratory distress and to administer a short-
85 acting bronchodilator and components. The supply of short-acting
86 bronchodilators and components may be provided to and used by a
87 trained school personnel member or a student authorized to self-
88 administer a short-acting bronchodilator and components.

89 5. A public school may accept short-acting bronchodilators
90 and components as a donation or transfer if they are new,
91 unexpired, manufacturer-sealed, not subject to recall,
92 unadulterated, and in compliance with relevant regulations
93 adopted by the United States Food and Drug Administration.

94 6. A school nurse or trained school personnel shall only
95 administer short-acting bronchodilators and components to
96 students if they have successfully completed training and
97 believe in good faith that the student is experiencing severe
98 respiratory distress, regardless of whether the student has a
99 prescription for a short-acting bronchodilator and components or
100 has previously been diagnosed with asthma.

101 7. The school district or school shall provide written
102 notice to the parent of each student enrolled in the school
103 district or school of the school's adopted protocol and must
104 receive prior permission from a student's parent to administer a
105 short-acting bronchodilator or components in a respiratory
106 distress emergency.

107 8. A school district and its employees and agents who act
108 in good faith are not liable for any injury arising from the use
109 or non-use of a short-acting bronchodilator or components
110 administered by trained school personnel who follow the adopted
111 protocol and whose professional opinion is that the student is
112 experiencing respiratory distress:

113 a. Unless the trained school personnel's action is willful
114 and wanton.

115 b. Notwithstanding that the parents of the student to whom
116 the short-acting bronchodilator is administered have not been
117 provided notice or have not signed a statement acknowledging
118 that the school district is not liable.

119 c. Regardless of whether authorization has been given by
120 the student's parents or by the student's physician, physician
121 assistant, or advanced practice registered nurse.

122 9. Any authorized healthcare practitioner who prescribes,
123 or a dispensing pharmacist who fills, a prescription for a
124 short-acting bronchodilator and components for use by a school
125 is immune from civil liability for any act or omission to act

126 related to the administration of a short-acting bronchodilator
127 or components, except for an act of willful or wanton
128 misconduct.

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

132 1002.42 Private schools.—

133 (18) SHORT-ACTING BRONCHODILATOR USE.—

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

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

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

140 3. "Authorized health care practitioner" means a physician
141 licensed under chapter 458 or chapter 459, a physician assistant
142 licensed under chapter 458 or chapter 459, or a registered nurse
143 licensed under chapter 464.

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

147 5. "Respiratory distress" refers to an individual
148 experiencing difficulty breathing, which can be caused by a
149 multitude of medical factors, including chronic diseases such as
150 asthma.

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

163 (b) Asthmatic students whose parent and physician provide
164 their approval to the school principal may carry a short-acting
165 bronchodilator and components on their person while in school.
166 The school principal shall be provided a copy of the parent's
167 and physician's approval.

168 (c) An authorized health care practitioner may prescribe
169 short-acting bronchodilators and components in the name of a
170 private school for use in accordance with this section, and a
171 licensed pharmacist may dispense short-acting bronchodilators
172 and components pursuant to a prescription issued in the name of
173 a private school for use in accordance with this section.

174 (d) A private school may acquire and stock a supply of
175 short-acting bronchodilators and components from a wholesale

176 distributor as defined in s. 499.003 or may enter into an
177 arrangement with a wholesale distributor or manufacturer as
178 defined in s. 499.003 for short-acting bronchodilators and
179 components at fair-market, free, or reduced prices pursuant to a
180 prescription issued in accordance with this section. The short-
181 acting bronchodilators and components must be maintained in a
182 secure location on the school premises. The participating school
183 shall adopt a protocol developed by a licensed physician for the
184 administration of a short-acting bronchodilator or components by
185 school personnel who are trained to recognize symptoms of
186 respiratory distress. The supply of short-acting bronchodilators
187 and components may be provided to and used by a trained school
188 personnel member or a student authorized to self-administer a
189 short-acting bronchodilator and components.

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

197 (f) The private school shall provide written notice to the
198 parent of each student enrolled in the private school of the
199 school's adopted protocol and must receive prior permission from
200 a student's parent to administer a short-acting bronchodilator

201 or components in a respiratory distress emergency.

202 (g) The private school and its employees and agents who
 203 act in good faith are not liable for any injury arising from the
 204 use or non-use of a short-acting bronchodilator or components
 205 administered by trained school personnel who follow the adopted
 206 protocol and whose professional opinion is that the student is
 207 experiencing respiratory distress:

208 1. Unless the trained school personnel's action is willful
 209 and wanton.

210 2. Notwithstanding that the parents of the student to whom
 211 the short-acting bronchodilator is administered have not been
 212 provided notice or have not signed a statement acknowledging
 213 that the private school is not liable.

214 3. Regardless of whether authorization has been given by
 215 the student's parents or by the student's physician, physician
 216 assistant, or advanced practice registered nurse.

217 (h) Any authorized healthcare practitioner who prescribes,
 218 or a dispensing pharmacist who fills, a prescription for a
 219 short-acting bronchodilator and components for use by a private
 220 school is immune from civil liability for any act or omission to
 221 act related to the administration of a short-acting
 222 bronchodilator or components, except for an act of willful or
 223 wanton misconduct.

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