

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 an advanced
41 practice registered nurse 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 compressor device or by a pressured
57 metered-dose inhaler used to treat respiratory distress,
58 including, but not limited to, wheezing, shortness of breath,
59 and difficulty breathing, or another dosage of a short-acting
60 bronchodilator recommended in the Guidelines for the Treatment
61 of Asthma.

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

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

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

76 arrangement with a wholesale distributor or manufacturer as
 77 defined in s. 499.003 for short-acting bronchodilators and
 78 components at fair-market, free, or reduced prices pursuant to a
 79 prescription issued in accordance with this section. The short-
 80 acting bronchodilators and components must be maintained in a
 81 secure location on a school's premises.

82 5. A participating public school must adopt a protocol
 83 developed by a physician licensed under chapter 458 or chapter
 84 459 for the administration of short-acting bronchodilators or
 85 components by school personnel who are trained to recognize
 86 symptoms of respiratory distress and to administer a short-
 87 acting bronchodilator or components. The school district and the
 88 protocol must provide guidance for administering short-acting
 89 bronchodilators in instances of respiratory distress for a
 90 student with a known diagnosis of asthma and if approved by the
 91 school district for students with no known diagnosis of asthma.

92 6. The supply of short-acting bronchodilators and
 93 components may be provided to and used by a trained school
 94 personnel member or a student authorized to self-administer a
 95 short-acting bronchodilator and components.

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

101 8. A school nurse or trained school personnel shall only
102 administer short-acting bronchodilators and components to
103 students if they have successfully completed training and
104 believe in good faith that the student is experiencing
105 respiratory distress, regardless of whether the student has a
106 prescription for a short-acting bronchodilator and components or
107 has previously been diagnosed with asthma.

108 9. The school district or school shall provide written
109 notice to the parent of each student enrolled in the school
110 district or school of the school's adopted protocol. The public
111 school must receive prior permission from the parent or guardian
112 to administer a short-acting bronchodilator or components to a
113 student.

114 10. Notwithstanding any other provision of law to the
115 contrary, a school nurse or school personnel of a school
116 district trained in the administration of short-acting
117 bronchodilator who administers or attempts to administer a
118 short-acting bronchodilator in compliance with this section and
119 s. 768.13 and the school district that employs the school nurse
120 or the trained school personnel are immune from civil or
121 criminal liability as a result of such administration or
122 attempted administration of a short-acting bronchodilator.

123 11.a. An authorized health care practitioner, acting in
124 good faith and exercising reasonable care, is not subject to
125 discipline or other adverse action under any professional

126 licensure statute or rule and is immune from any civil or
 127 criminal liability as a result of prescribing a short-acting
 128 bronchodilator in accordance with this section.

129 b. A dispensing health care practitioner or pharmacist,
 130 acting in good faith and exercising reasonable care, is not
 131 subject to discipline or other adverse action under any
 132 professional licensure statute or rule and is immune from any
 133 civil or criminal liability as a result of dispensing a short-
 134 acting bronchodilator in accordance with this section.

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

138 1002.42 Private schools.—

139 (18) SHORT-ACTING BRONCHODILATOR USE.—

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

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

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

146 3. "Authorized health care practitioner" means a physician
 147 licensed under chapter 458 or chapter 459, a physician assistant
 148 licensed under chapter 458 or chapter 459, or an advanced
 149 practice registered nurse licensed under chapter 464.

150 4. "Components" means devices used as part of clinically

151 recommended use of short-acting bronchodilators, which may
152 include spacers, valved holding chambers, or nebulizers.

153 5. "Respiratory distress" refers to an individual
154 experiencing difficulty breathing, which can be caused by a
155 multitude of medical factors, including chronic diseases such as
156 asthma.

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

170 (b) Asthmatic students whose parent and physician provide
171 their approval to the school principal may carry a short-acting
172 bronchodilator and components on their person while in school.
173 The school principal shall be provided a copy of the parent's
174 and physician's approval.

175 (c) An authorized health care practitioner may prescribe

176 short-acting bronchodilators and components in the name of a
177 private school for use in accordance with this section, and a
178 licensed pharmacist may dispense short-acting bronchodilators
179 and components pursuant to a prescription issued in the name of
180 a private school for use in accordance with this section.

181 (d) A private school may acquire and stock a supply of
182 short-acting bronchodilators and components from a wholesale
183 distributor as defined in s. 499.003 or may enter into an
184 arrangement with a wholesale distributor or manufacturer as
185 defined in s. 499.003 for short-acting bronchodilators and
186 components at fair-market, free, or reduced prices pursuant to a
187 prescription issued in accordance with this section. The short-
188 acting bronchodilators and components must be maintained in a
189 secure location on the school premises.

190 (e) A participating private school must adopt a protocol
191 developed by a physician licensed under chapter 458 or chapter
192 459 for the administration of short-acting bronchodilators or
193 components by school personnel who are trained to recognize
194 symptoms of respiratory distress and to administer a short-
195 acting bronchodilator or components. The protocol must provide
196 guidance for administering short-acting bronchodilators in
197 instances of respiratory distress for a student with a known
198 diagnosis of asthma and if approved by the private school for
199 students with no known diagnosis of asthma.

200 (f) The supply of short-acting bronchodilators and

201 components may be provided to and used by a trained school
202 personnel member or a student authorized to self-administer a
203 short-acting bronchodilator and components.

204 (g) A private school may accept short-acting
205 bronchodilators and components as a donation or transfer if they
206 are new, unexpired, manufacturer-sealed, not subject to recall,
207 unadulterated, and in compliance with relevant regulations
208 adopted by the United States Food and Drug Administration.

209 (h) A school nurse or trained school personnel shall only
210 administer short-acting bronchodilators and components to
211 students if they have successfully completed training and
212 believe in good faith that the student is experiencing
213 respiratory distress, regardless of whether the student has a
214 prescription for a short-acting bronchodilator and components or
215 has previously been diagnosed with asthma.

216 (i) The private school shall provide written notice to the
217 parent of each student enrolled in the private school of the
218 school's adopted protocol. The private school must receive prior
219 permission from the parent or guardian to administer a short-
220 acting bronchodilator or components to a student.

221 (j) Notwithstanding any other provision of law to the
222 contrary, a school nurse or school personnel of a private school
223 trained in the administration of short-acting bronchodilator who
224 administers or attempts to administer a short-acting
225 bronchodilator in compliance with this section and s. 768.13 and

226 the private school that employs the school nurse or the trained
227 school personnel are immune from civil or criminal liability as
228 a result of such administration or attempted administration of a
229 short-acting bronchodilator.

230 (k)1. An authorized health care practitioner, acting in
231 good faith and exercising reasonable care, is not subject to
232 discipline or other adverse action under any professional
233 licensure statute or rule and is immune from any civil or
234 criminal liability as a result of prescribing a short-acting
235 bronchodilator in accordance with this section.

236 2. A dispensing health care practitioner or pharmacist,
237 acting in good faith and exercising reasonable care, is not
238 subject to discipline or other adverse action under any
239 professional licensure statute or rule and is immune from any
240 civil or criminal liability as a result of dispensing a short-
241 acting bronchodilator in accordance with this section.

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