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2024 Legislature

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 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.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 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

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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

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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

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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 or components in instances of respiratory
 90 distress for a student with a known diagnosis of asthma and if
 91 approved by the school district for students with no known
 92 diagnosis of asthma.

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

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

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101 adopted by the United States Food and Drug Administration.

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

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

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

125 11.a. An authorized health care practitioner, acting in

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126 good faith and exercising reasonable care, is not subject to
 127 discipline or other adverse action under any professional
 128 licensure statute or rule and is immune from any civil or
 129 criminal liability as a result of prescribing a short-acting
 130 bronchodilator or components in accordance with this section.

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

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

141 1002.42 Private schools.—

142 (18) SHORT-ACTING BRONCHODILATOR USE.—

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

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

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

149 3. "Authorized health care practitioner" means a physician
 150 licensed under chapter 458 or chapter 459, a physician assistant

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151 licensed under chapter 458 or chapter 459, or an advanced
 152 practice registered nurse licensed under chapter 464.

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

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

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

173 (b) Asthmatic students whose parent and physician provide
 174 their approval to the school principal may carry a short-acting
 175 bronchodilator and components on their person while in school.

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176 The school principal shall be provided a copy of the parent's
177 and physician's approval.

178 (c) An authorized health care practitioner may prescribe
179 short-acting bronchodilators and components in the name of a
180 private school for use in accordance with this section, and a
181 licensed pharmacist may dispense short-acting bronchodilators
182 and components pursuant to a prescription issued in the name of
183 a private school for use in accordance with this section.

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

193 (e) A participating private school must adopt a protocol
194 developed by a physician licensed under chapter 458 or chapter
195 459 for the administration of short-acting bronchodilators or
196 components by school personnel who are trained to recognize
197 symptoms of respiratory distress and to administer a short-
198 acting bronchodilator or components. The protocol must provide
199 guidance for administering short-acting bronchodilators or
200 components in instances of respiratory distress for a student

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201 with a known diagnosis of asthma and if approved by the private
202 school for students with no known diagnosis of asthma.

203 (f) The supply of short-acting bronchodilators and
204 components may be provided to and used by a trained school
205 personnel member or a student authorized to self-administer a
206 short-acting bronchodilator and components.

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

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

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

224 (j) Notwithstanding any other provision of law to the
225 contrary, a school nurse or school personnel of a private school

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226 trained in the administration of short-acting bronchodilator and
227 components who administers or attempts to administer a short-
228 acting bronchodilator or components in compliance with this
229 section and s. 768.13 and the private school that employs the
230 school nurse or the trained school personnel are immune from
231 civil or criminal liability as a result of such administration
232 or attempted administration of a short-acting bronchodilator or
233 components.

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

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

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