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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Health Policy (Hooper) recommended the following:

**Senate Amendment**

Delete lines 95 - 242  
and insert:  
licensed under chapter 458 or chapter 459, or an advanced  
practice registered nurse licensed under chapter 464.

d. "Components" means devices used as part of clinically  
recommended use of short-acting bronchodilators, including  
spacers, valved holding chambers, or nebulizers.

e. "Respiratory distress" means difficulty breathing by an



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11 individual, which can be caused by several medical factors,  
12 including chronic diseases such as asthma.

13 f. "Short-acting bronchodilator" means any beta-2 agonist,  
14 such as albuterol, which is used for the quick relief of asthma  
15 symptoms and is recommended by the National Heart, Lung, and  
16 Blood Institute's National Asthma Education and Prevention  
17 Program Guidelines for the Treatment of Asthma. Such  
18 bronchodilators may include an orally inhaled medication that  
19 contains a premeasured single dose of albuterol or albuterol  
20 sulfate delivered by a nebulizer or compressor device or by a  
21 pressured metered dose inhaler used to treat respiratory  
22 distress, including, but not limited to, wheezing, shortness of  
23 breath, and difficulty breathing, or another dosage of a  
24 bronchodilator recommended in the Guidelines for the Treatment  
25 of Asthma.

26 2. Asthmatic students whose parent and physician provide  
27 their approval to the school principal may carry a short-acting  
28 bronchodilator ~~metered dose inhaler~~ on their person while in  
29 school. The school principal must ~~shall~~ be provided a copy of  
30 the parent's and physician's approval.

31 3. An authorized health care practitioner may prescribe  
32 short-acting bronchodilators and components in the name of a  
33 public school for use in accordance with this section, and a  
34 licensed pharmacist may dispense short-acting bronchodilators  
35 and components pursuant to a prescription issued in the name of  
36 a public school for use in accordance with this section.

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



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40 arrangement with a wholesale distributor or manufacturer, as  
41 those terms are defined in s. 499.003, for short-acting  
42 bronchodilators and components at no charge, a fair market  
43 price, or a reduced price for use in the event a student  
44 experiences an anaphylactic reaction or respiratory distress.  
45 The short-acting bronchodilators and components must be  
46 maintained in a secure location on a school's premises.

47 b. A participating public school must adopt a protocol  
48 developed by a physician licensed under chapter 458 or chapter  
49 459 for the administration of short-acting bronchodilators or  
50 components by school personnel who are trained to recognize  
51 symptoms of respiratory distress and to administer a short-  
52 acting bronchodilator or components. The school district and the  
53 protocol must provide guidance for administering short-acting  
54 bronchodilators in instances of respiratory distress for a  
55 student with a known diagnosis of asthma and if approved by the  
56 school district for students with no known diagnosis of asthma.

57 c. The supply of short-acting bronchodilators and  
58 components may be provided to and used by a trained school  
59 personnel member or a student authorized to self-administer a  
60 short-acting bronchodilator or components.

61 d. A public school may accept short-acting bronchodilators  
62 and components as a donation or transfer if they are new,  
63 unexpired, manufacturer-sealed, not subject to recall,  
64 unadulterated, and in compliance with relevant regulations  
65 adopted by the United States Food and Drug Administration.

66 e. A school nurse or a trained school personnel member may  
67 administer short-acting bronchodilators or components to  
68 students only if the personnel member has successfully completed



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69 training and believes in good faith that the student is  
70 experiencing respiratory distress or asthma-related distress,  
71 regardless of whether the student has a prescription for a  
72 short-acting bronchodilator or has previously been diagnosed  
73 with asthma.

74 f. The school district or public school shall provide  
75 written notice of the district's or school's adopted protocol to  
76 each parent or guardian. The public school must receive prior  
77 permission from the parent or guardian to administer a short-  
78 acting bronchodilator or components to a student.

79 g. A school district and its employees and agents who act  
80 in good faith are not liable for any injury arising from the use  
81 or nonuse of a short-acting bronchodilator or components  
82 administered by a trained school personnel member or nurse who  
83 follows the adopted protocol and whose professional opinion is  
84 that the student is experiencing respiratory distress:

85 (I) Unless the trained school personnel member's or nurse's  
86 action is willful and wanton;

87 (II) Notwithstanding that the parent or guardian of the  
88 student to whom the short-acting bronchodilator is administered  
89 has not been provided notice or has not signed a statement  
90 acknowledging that the school district is not liable; and

91 (III) Regardless of whether authorization has been given by  
92 the student's parent or guardian or by the student's physician,  
93 physician assistant, or advanced practice registered nurse.

94 h. An authorized health care practitioner or dispensing  
95 pharmacist who prescribes short-acting bronchodilators and  
96 components for use by a public school is immune from civil  
97 liability for any act or omission related to the administration



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98 of a short-acting bronchodilator or components, except for an  
99 act of willful or wanton misconduct.

100 Section 2. Subsection (19) is added to section 1002.42,  
101 Florida Statutes, to read:

102 1002.42 Private schools.—

103 (19) SHORT-ACTING BRONCHODILATOR USE.—

104 (a) As used in this subsection, the term:

105 1. "Administer" means to give or directly apply a short-  
106 acting bronchodilator to a student.

107 2. "Asthma" means a chronic lung disease that inflames and  
108 narrows the airways and can manifest wheezing, chest tightness,  
109 shortness of breath, and coughing.

110 3. "Authorized health care practitioner" means a physician  
111 licensed under chapter 458 or chapter 459, a physician assistant  
112 licensed under chapter 458 or chapter 459, or an advanced  
113 practice registered nurse licensed under chapter 464.

114 4. "Components" means devices used as part of clinically  
115 recommended use of short-acting bronchodilators, including  
116 spacers, valved holding chambers, or nebulizers.

117 5. "Respiratory distress" means difficulty breathing by an  
118 individual, which can be caused by several medical factors,  
119 including chronic diseases such as asthma.

120 6. "Short-acting bronchodilator" means any beta-2 agonist,  
121 such as albuterol, which is used for the quick relief of asthma  
122 symptoms and is recommended by the National Heart, Lung, and  
123 Blood Institute's National Asthma Education and Prevention  
124 Program Guidelines for the Treatment of Asthma. Such  
125 bronchodilators may include an orally inhaled medication that  
126 contains a premeasured single dose of albuterol or albuterol



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127 sulfate delivered by a nebulizer or compressor device or by a  
128 pressured metered dose inhaler used to treat respiratory  
129 distress, including, but not limited to, wheezing, shortness of  
130 breath, and difficulty breathing, or another dosage of a  
131 bronchodilator recommended in the Guidelines for the Treatment  
132 of Asthma.

133 (b) Asthmatic students whose parent and physician provide  
134 their approval to the school principal may carry a short-acting  
135 bronchodilator on their person while in school. The school  
136 principal must be provided a copy of the parent's and  
137 physician's approval.

138 (c) An authorized health care practitioner may prescribe  
139 short-acting bronchodilators and components in the name of a  
140 private school for use in accordance with this section, and a  
141 licensed pharmacist may dispense short-acting bronchodilators  
142 and components pursuant to a prescription issued in the name of  
143 a private school for use in accordance with this section.

144 (d) A private school may acquire and stock a supply of  
145 short-acting bronchodilators and components, as defined in s.  
146 1002.20(3)(h), from a wholesale distributor as defined in s.  
147 499.003 or may enter into an arrangement with a wholesale  
148 distributor or manufacturer, as those terms are defined in s.  
149 499.003, for short-acting bronchodilators and components at no  
150 charge, a fair market price, or a reduced price for use in the  
151 event a student experiences an anaphylactic reaction or  
152 respiratory distress. The short-acting bronchodilators and  
153 components must be maintained in a secure location on the school  
154 premises.

155 (e) A participating private school must adopt a protocol



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156 developed by a physician licensed under chapter 458 or chapter  
157 459 for the administration of short-acting bronchodilators or  
158 components by school personnel who are trained to recognize  
159 symptoms of respiratory distress and to administer a short-  
160 acting bronchodilator or components. The protocol must provide  
161 guidance for administering short-acting bronchodilators in  
162 instances of respiratory distress for a student with a known  
163 diagnosis of asthma and if approved by the private school for  
164 students with no known diagnosis of asthma.

165 (f) The supply of short-acting bronchodilators and  
166 components may be provided to and used by a trained school  
167 personnel member or a student authorized to self-administer a  
168 short-acting bronchodilator.