



214162

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2024	.	
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The Committee on Rules (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

1002.20 K-12 student and parent rights.—Parents of public
school students must receive accurate and timely information
regarding their child’s academic progress and must be informed
of ways they can help their child to succeed in school. K-12
students and their parents are afforded numerous statutory



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12 rights including, but not limited to, the following:

13 (3) HEALTH ISSUES.—

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

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

16 a. “Administer” means to give or directly apply a short-
17 acting bronchodilator or components to a student.

18 b. “Asthma” means a chronic lung disease that inflames and
19 narrows the airways, which can manifest as wheezing, chest
20 tightness, shortness of breath, and coughing.

21 c. “Authorized health care practitioner” means a physician
22 licensed under chapter 458 or chapter 459, a physician assistant
23 licensed under chapter 458 or chapter 459, or an advanced
24 practice registered nurse licensed under chapter 464.

25 d. “Components” means devices used as part of clinically
26 recommended use of short-acting bronchodilators, which may
27 include spacers, valved holding chambers, or nebulizers.

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

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



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41 including, but not limited to, wheezing, shortness of breath,
42 and difficulty breathing, or another dosage of a short-acting
43 bronchodilator recommended in the Guidelines for the Treatment
44 of Asthma.

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

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

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

65 5. A participating public school must adopt a protocol
66 developed by a physician licensed under chapter 458 or chapter
67 459 for the administration of short-acting bronchodilators or
68 components by school personnel who are trained to recognize
69 symptoms of respiratory distress and to administer a short-



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70 acting bronchodilator or components. The school district and the
71 protocol must provide guidance for administering short-acting
72 bronchodilators in instances of respiratory distress for a
73 student with a known diagnosis of asthma and if approved by the
74 school district for students with no known diagnosis of asthma.

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

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

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

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

97 10. Notwithstanding any other provision of law to the
98 contrary, a school nurse or school personnel of a school



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

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

112 b. A dispensing health care practitioner or pharmacist,
113 acting in good faith and exercising reasonable care, is not
114 subject to discipline or other adverse action under any
115 professional licensure statute or rule and is immune from any
116 civil or criminal liability as a result of dispensing a short-
117 acting bronchodilator in accordance with this section.

118 Section 2. Present subsection (18) of section 1002.42,
119 Florida Statutes, is redesignated as subsection (19), and a new
120 subsection (18) is added to that section, to read:

121 1002.42 Private schools.—

122 (18) SHORT-ACTING BRONCHODILATOR USE.—

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

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

126 2. "Asthma" means a chronic lung disease that inflames and
127 narrows the airways, which can manifest as wheezing, chest



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128 tightness, shortness of breath, and coughing.

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

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

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

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

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



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157 and physician's approval.

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

164 (d) A private school may acquire and stock a supply of
165 short-acting bronchodilators and components from a wholesale
166 distributor as defined in s. 499.003 or may enter into an
167 arrangement with a wholesale distributor or manufacturer as
168 defined in s. 499.003 for short-acting bronchodilators and
169 components at fair-market, free, or reduced prices pursuant to a
170 prescription issued in accordance with this section. The short-
171 acting bronchodilators and components must be maintained in a
172 secure location on the school premises.

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

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



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186 short-acting bronchodilator and components.

187 (e) A private school may accept short-acting
188 bronchodilators and components as a donation or transfer if they
189 are new, unexpired, manufacturer-sealed, not subject to recall,
190 unadulterated, and in compliance with relevant regulations
191 adopted by the United States Food and Drug Administration.

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

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

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

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



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

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

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

226

227 ===== T I T L E A M E N D M E N T =====

228 And the title is amended as follows:

229 Delete everything before the enacting clause
230 and insert:

231 A bill to be entitled
232 An act relating to student health; amending s.
233 1002.20, F.S.; defining terms; revising a provision to
234 authorize asthmatic students to carry a short-acting
235 bronchodilator, rather than a metered dose inhaler;
236 authorizing authorized health care practitioners to
237 prescribe short-acting bronchodilators and components
238 in the name of a public school; authorizing licensed
239 pharmacists to dispense short-acting bronchodilators
240 and components in the name of a public school;
241 authorizing a public school to acquire and stock
242 short-acting bronchodilators and components from
243 wholesale distributors; authorizing a public school to



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244 enter into certain arrangements with a wholesale
245 distributor or manufacturer; requiring a public school
246 that obtains short-acting bronchodilators and
247 components to maintain them in a secure location on
248 school premises; requiring certain public schools to
249 adopt a protocol developed by a licensed physician for
250 the administration of a short-acting bronchodilator
251 and components by school personnel; providing
252 requirements for the protocol; providing that a public
253 school's short-acting bronchodilators and components
254 may be provided to and used by trained school
255 personnel or students authorized to self-administer a
256 short-acting bronchodilator and components;
257 authorizing school districts to accept short-acting
258 bronchodilators and components as a donation or
259 transfer if the bronchodilators and components meet
260 specified requirements; providing requirements for a
261 school nurse or trained school personnel to administer
262 a short-acting bronchodilator to a student; requiring
263 school districts or public schools to provide written
264 notice of the adopted protocol to each parent or
265 guardian; requiring public schools to receive a parent
266 or guardian's prior permission to administer a short-
267 acting bronchodilator to a student; providing for
268 immunity from liability for specified individuals
269 under certain conditions; amending s. 1002.42, F.S.;
270 defining terms; authorizing certain students to carry
271 a short-acting bronchodilator at school under certain
272 conditions; authorizing authorized health care



273 practitioners to prescribe short-acting
274 bronchodilators and components in the name of a
275 private school; authorizing licensed pharmacists to
276 dispense short-acting bronchodilators and components
277 in the name of a private school; authorizing private
278 schools to acquire and stock short-acting
279 bronchodilators and components from wholesale
280 distributors; authorizing private schools to enter
281 into certain arrangements with a wholesale distributor
282 or manufacturer; requiring private schools that obtain
283 short-acting bronchodilators and components to
284 maintain them in a secure location on school premises;
285 requiring such private schools to adopt a protocol
286 developed by a licensed physician for the
287 administration of a short-acting bronchodilator by
288 school personnel; providing requirements for the
289 protocol; providing that a private school's
290 bronchodilators may be provided to and used by trained
291 school personnel and by students authorized to self-
292 administer short-acting bronchodilators; authorizing
293 private schools to accept short-acting bronchodilators
294 and components as a donation or transfer if the
295 bronchodilators and components meet specified
296 requirements; providing requirements for a school
297 nurse or trained school personnel to administer a
298 short-acting bronchodilator and components to a
299 student; requiring private schools to provide written
300 notice of the adopted protocol to each parent or
301 guardian; requiring private schools to receive a



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302 parent or guardian's prior permission to administer a
303 short-acting bronchodilator and components to a
304 student; providing for immunity from liability for
305 specified individuals under certain conditions;
306 providing an effective date.