

By Senator Hooper

21-00831B-24

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1                   A bill to be entitled  
2       An act relating to student health; amending s.  
3       1002.20, F.S.; defining terms; revising a provision to  
4       authorize asthmatic students to carry a short-acting  
5       bronchodilator, rather than a metered dose inhaler;  
6       authorizing authorized health care practitioners to  
7       prescribe short-acting bronchodilators and components  
8       in the name of a public school; authorizing licensed  
9       pharmacists to dispense short-acting bronchodilators  
10      and components in the name of a public school;  
11      authorizing a public school to acquire and stock  
12      short-acting bronchodilators and components from  
13      wholesale distributors; authorizing a public school to  
14      enter into certain arrangements with a wholesale  
15      distributor or manufacturer; requiring a public school  
16      that obtains short-acting bronchodilators and  
17      components to maintain them in a secure location on  
18      school premises; requiring certain public schools to  
19      adopt a protocol developed by a licensed physician for  
20      the administration of a short-acting bronchodilator  
21      and components by school personnel; providing that a  
22      public school's short-acting bronchodilators and  
23      components may be provided to and used by trained  
24      school personnel or students authorized to self-  
25      administer a short-acting bronchodilator and  
26      components; authorizing school districts to accept  
27      short-acting bronchodilators and components as a  
28      donation or transfer if the bronchodilators and  
29      components meet specified requirements; providing

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30 requirements for school personnel to administer a  
31 short-acting bronchodilator to a student; requiring  
32 school districts or public schools to provide written  
33 notice of the adopted protocol to each parent or  
34 guardian; requiring public schools to receive a parent  
35 or guardian's prior permission to administer a short-  
36 acting bronchodilator to a student; providing for  
37 immunity from liability for specified individuals  
38 under certain conditions; amending s. 1002.42, F.S.;  
39 defining terms; authorizing certain students to carry  
40 a short-acting bronchodilator at school under certain  
41 conditions; authorizing authorized health care  
42 practitioners to prescribe short-acting  
43 bronchodilators and components in the name of a  
44 private school; authorizing licensed pharmacists to  
45 dispense short-acting bronchodilators and components  
46 in the name of a private school; authorizing private  
47 schools to acquire and stock short-acting  
48 bronchodilators and components from wholesale  
49 distributors; authorizing private schools to enter  
50 into certain arrangements with a wholesale distributor  
51 or manufacturer; requiring private schools that obtain  
52 short-acting bronchodilators and components to  
53 maintain them in a secure location on school premises;  
54 requiring such private schools to adopt a protocol  
55 developed by a licensed physician for the  
56 administration of a short-acting bronchodilator by  
57 school personnel; providing that a private school's  
58 bronchodilators may be provided to and used by trained

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59 school personnel and by students authorized to self-  
60 administer short-acting bronchodilators; authorizing  
61 private schools to accept short-acting bronchodilators  
62 and components as a donation or transfer if the  
63 bronchodilators and components meet specified  
64 requirements; providing requirements for school  
65 personnel to administer a short-acting bronchodilator  
66 and components to a student; requiring private schools  
67 to provide written notice of the adopted protocol to  
68 each parent or guardian; requiring private schools to  
69 receive a parent or guardian's prior permission to  
70 administer a short-acting bronchodilator and  
71 components to a student; providing for immunity from  
72 liability for specified individuals under certain  
73 conditions; providing an effective date.

74

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

76

77 Section 1. Paragraph (h) of subsection (3) of section  
78 1002.20, Florida Statutes, is amended to read:

79 1002.20 K-12 student and parent rights.—Parents of public  
80 school students must receive accurate and timely information  
81 regarding their child's academic progress and must be informed  
82 of ways they can help their child to succeed in school. K-12  
83 students and their parents are afforded numerous statutory  
84 rights including, but not limited to, the following:

85 (3) HEALTH ISSUES.—

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

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

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88 a. "Administer" means to give or directly apply a short-  
89 acting bronchodilator to a student.

90 b. "Asthma" means a chronic lung disease that inflames and  
91 narrows the airways and can manifest wheezing, chest tightness,  
92 shortness of breath, and coughing.

93 c. "Authorized health care practitioner" means a physician  
94 licensed under chapter 458 or chapter 459, a physician assistant  
95 licensed under chapter 458 or chapter 459, or a registered nurse  
96 licensed under chapter 464.

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

100 e. "Respiratory distress" means difficulty breathing by an  
101 individual, which can be caused by several medical factors,  
102 including chronic diseases such as asthma.

103 f. "Short-acting bronchodilator" means any beta-2 agonist,  
104 such as albuterol, which is used for the quick relief of asthma  
105 symptoms and is recommended by the National Heart, Lung, and  
106 Blood Institute. Such bronchodilators may include an orally  
107 inhaled medication that contains a premeasured single dose of  
108 albuterol or albuterol sulfate delivered by a nebulizer or  
109 compressor device or by a pressured metered dose inhaler used to  
110 treat respiratory distress, including, but not limited to,  
111 wheezing, shortness of breath, and difficulty breathing, or  
112 another dosage of a bronchodilator recommended by the National  
113 Heart, Lung, and Blood Institute.

114 2. Asthmatic students whose parent and physician provide  
115 their approval to the school principal may carry a short-acting  
116 bronchodilator ~~metered dose inhaler~~ on their person while in

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117 school. The school principal must ~~shall~~ be provided a copy of  
118 the parent's and physician's approval.

119 3. An authorized health care practitioner may prescribe  
120 short-acting bronchodilators and components in the name of a  
121 public school for use in accordance with this section, and a  
122 licensed pharmacist may dispense short-acting bronchodilators  
123 and components pursuant to a prescription issued in the name of  
124 a public school for use in accordance with this section.

125 4.a. A public school may acquire and stock a supply of  
126 short-acting bronchodilators and components from a wholesale  
127 distributor as defined in s. 499.003 or may enter into an  
128 arrangement with a wholesale distributor or manufacturer, as  
129 those terms are defined in s. 499.003, for short-acting  
130 bronchodilators and components at no charge, a fair market  
131 price, or a reduced price for use in the event a student  
132 experiences an anaphylactic reaction or respiratory distress.  
133 The short-acting bronchodilators and components must be  
134 maintained in a secure location on a school's premises. The  
135 participating school district or public school shall adopt a  
136 protocol developed by a licensed physician for administration of  
137 short-acting bronchodilators or components by school personnel  
138 who are trained to recognize symptoms of respiratory distress  
139 and to administer a short-acting bronchodilator or components.  
140 The supply of short-acting bronchodilators and components may be  
141 provided to and used by a trained school personnel member or a  
142 student authorized to self-administer a short-acting  
143 bronchodilator or components.

144 b. A public school may accept short-acting bronchodilators  
145 and components as a donation or transfer if they are new,

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146 unexpired, manufacturer-sealed, not subject to recall,  
147 unadulterated, and in compliance with relevant regulations  
148 adopted by the United States Food and Drug Administration.

149 c. A school nurse or a trained school personnel member may  
150 administer short-acting bronchodilators or components to  
151 students only if the personnel member has successfully completed  
152 training and believes in good faith that the student is  
153 experiencing respiratory distress or asthma-related distress,  
154 regardless of whether the student has a prescription for a  
155 short-acting bronchodilator or has previously been diagnosed  
156 with asthma.

157 d. The school district or public school shall provide  
158 written notice of the district's or school's adopted protocol to  
159 each parent or guardian. The public school must receive prior  
160 permission from the parent or guardian to administer a short-  
161 acting bronchodilator or components to a student.

162 e. A school district and its employees and agents who act  
163 in good faith are not liable for any injury arising from the use  
164 or nonuse of a short-acting bronchodilator or components  
165 administered by a trained school personnel member or nurse who  
166 follows the adopted protocol and whose professional opinion is  
167 that the student is experiencing respiratory distress:

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

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

174 (III) Regardless of whether authorization has been given by

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175 the student's parent or guardian or by the student's physician,  
176 physician assistant, or advanced practice registered nurse.

177 f. An authorized health care practitioner or dispensing  
178 pharmacist who prescribes short-acting bronchodilators and  
179 components for use by a public school is immune from civil  
180 liability for any act or omission related to the administration  
181 of a short-acting bronchodilator or components, except for an  
182 act of willful or wanton misconduct.

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

185 1002.42 Private schools.—

186 (19) SHORT-ACTING BRONCHODILATOR USE.—

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

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

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

193 3. "Authorized health care practitioner" means a physician  
194 licensed under chapter 458 or chapter 459, a physician assistant  
195 licensed under chapter 458 or chapter 459, or a registered nurse  
196 licensed under chapter 464.

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

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

203 6. "Short-acting bronchodilator" means any beta-2 agonist,

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204 such as albuterol, which is used for the quick relief of asthma  
205 symptoms and is recommended by the National Heart, Lung, and  
206 Blood Institute. Such bronchodilators may include an orally  
207 inhaled medication that contains a premeasured single dose of  
208 albuterol or albuterol sulfate delivered by a nebulizer or  
209 compressor device or by a pressured metered dose inhaler used to  
210 treat respiratory distress, including, but not limited to,  
211 wheezing, shortness of breath, and difficulty breathing, or  
212 another dosage of a bronchodilator recommended by the National  
213 Heart, Lung, and Blood Institute.

214 (b) Asthmatic students whose parent and physician provide  
215 their approval to the school principal may carry a short-acting  
216 bronchodilator on their person while in school. The school  
217 principal must be provided a copy of the parent's and  
218 physician's approval.

219 (c) An authorized health care practitioner may prescribe  
220 short-acting bronchodilators and components in the name of a  
221 private school for use in accordance with this section, and a  
222 licensed pharmacist may dispense short-acting bronchodilators  
223 and components pursuant to a prescription issued in the name of  
224 a private school for use in accordance with this section.

225 (d) A private school may acquire and stock a supply of  
226 short-acting bronchodilators and components, as defined in s.  
227 1002.20(3)(h), from a wholesale distributor as defined in s.  
228 499.003 or may enter into an arrangement with a wholesale  
229 distributor or manufacturer, as those terms are defined in s.  
230 499.003, for short-acting bronchodilators and components at no  
231 charge, a fair market price, or a reduced price for use in the  
232 event a student experiences an anaphylactic reaction or



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233 respiratory distress. The short-acting bronchodilators and  
234 components must be maintained in a secure location on the school  
235 premises. The participating school shall adopt a protocol  
236 developed by a licensed physician for the administration of a  
237 short-acting bronchodilator or components by school personnel  
238 who are trained to recognize symptoms of respiratory distress.  
239 The supply of short-acting bronchodilators and components may be  
240 provided to and used by a trained school personnel member or a  
241 student authorized to self-administer a short-acting  
242 bronchodilator or components.

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

248 (f) A school nurse or a trained school personnel member may  
249 administer short-acting bronchodilators or components to  
250 students only if the personnel member has successfully completed  
251 training and believes in good faith that the student is  
252 experiencing respiratory distress or asthma-related distress,  
253 regardless of whether the student has a prescription for a  
254 short-acting bronchodilator or has previously been diagnosed  
255 with asthma.

256 (g) A private school shall provide written notice of the  
257 school's adopted protocol to each parent or guardian. A private  
258 school must receive prior permission from the parent or guardian  
259 to administer a short-acting bronchodilator or components to a  
260 student.

261 (h) A private school and its employees and agents who act

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262 in good faith are not liable for any injury arising from the use  
263 or nonuse of a short-acting bronchodilator or components  
264 administered by a trained school personnel member or nurse who  
265 follows the adopted protocol and whose professional opinion is  
266 that the student is experiencing respiratory distress:

267 1. Unless the trained school personnel member's or nurse's  
268 action is willful and wanton;

269 2. Notwithstanding that the parent or guardian of the  
270 student to whom the short-acting bronchodilator is administered  
271 has not been provided notice or has not signed a statement  
272 acknowledging that the school is not liable; and

273 3. Regardless of whether authorization has been given by  
274 the student's parents or guardians or by the student's  
275 physician, physician assistant, or advanced practice registered  
276 nurse.

277 (i) An authorized health care practitioner or dispensing  
278 pharmacist who prescribes short-acting bronchodilators and  
279 components for use by a private school is immune from civil  
280 liability for any act or omission related to the administration  
281 of a short-acting bronchodilator or components, except for an  
282 act of willful or wanton misconduct.

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