

By the Committee on Health Policy; and Senator Hooper

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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 an advanced
96 practice registered nurse 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's National Asthma Education and Prevention
107 Program Guidelines for the Treatment of Asthma. Such
108 bronchodilators may include an orally inhaled medication that
109 contains a premeasured single dose of albuterol or albuterol
110 sulfate delivered by a nebulizer or compressor device or by a
111 pressured metered dose inhaler used to treat respiratory
112 distress, including, but not limited to, wheezing, shortness of
113 breath, and difficulty breathing, or another dosage of a
114 bronchodilator recommended in the Guidelines for the Treatment
115 of Asthma.

116 2. Asthmatic students whose parent and physician provide

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117 their approval to the school principal may carry a short-acting
118 bronchodilator ~~metered dose inhaler~~ on their person while in
119 school. The school principal must ~~shall~~ be provided a copy of
120 the parent's and physician's approval.

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

127 4.a. A public school may acquire and stock a supply of
128 short-acting bronchodilators and components from a wholesale
129 distributor as defined in s. 499.003 or may enter into an
130 arrangement with a wholesale distributor or manufacturer, as
131 those terms are defined in s. 499.003, for short-acting
132 bronchodilators and components at no charge, a fair market
133 price, or a reduced price for use in the event a student
134 experiences an anaphylactic reaction or respiratory distress.
135 The short-acting bronchodilators and components must be
136 maintained in a secure location on a school's premises.

137 b. A participating public school must adopt a protocol
138 developed by a physician licensed under chapter 458 or chapter
139 459 for the administration of short-acting bronchodilators or
140 components by school personnel who are trained to recognize
141 symptoms of respiratory distress and to administer a short-
142 acting bronchodilator or components. The school district and the
143 protocol must provide guidance for administering short-acting
144 bronchodilators in instances of respiratory distress for a
145 student with a known diagnosis of asthma and if approved by the

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146 school district for students with no known diagnosis of asthma.

147 c. The supply of short-acting bronchodilators and
148 components may be provided to and used by a trained school
149 personnel member or a student authorized to self-administer a
150 short-acting bronchodilator or components.

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

156 e. A school nurse or a trained school personnel member may
157 administer short-acting bronchodilators or components to
158 students only if the personnel member has successfully completed
159 training and believes in good faith that the student is
160 experiencing respiratory distress or asthma-related distress,
161 regardless of whether the student has a prescription for a
162 short-acting bronchodilator or has previously been diagnosed
163 with asthma.

164 f. The school district or public school shall provide
165 written notice of the district's or school's adopted protocol to
166 each parent or guardian. The public school must receive prior
167 permission from the parent or guardian to administer a short-
168 acting bronchodilator or components to a student.

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

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

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

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

184 h. An authorized health care practitioner or dispensing
185 pharmacist who prescribes short-acting bronchodilators and
186 components for use by a public school is immune from civil
187 liability for any act or omission related to the administration
188 of a short-acting bronchodilator or components, except for an
189 act of willful or wanton misconduct.

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

192 1002.42 Private schools.—

193 (19) SHORT-ACTING BRONCHODILATOR USE.—

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

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

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

200 3. "Authorized health care practitioner" means a physician
201 licensed under chapter 458 or chapter 459, a physician assistant
202 licensed under chapter 458 or chapter 459, or an advanced
203 practice registered nurse licensed under chapter 464.

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

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

210 6. "Short-acting bronchodilator" means any beta-2 agonist,
211 such as albuterol, which is used for the quick relief of asthma
212 symptoms and is recommended by the National Heart, Lung, and
213 Blood Institute's National Asthma Education and Prevention
214 Program Guidelines for the Treatment of Asthma. Such
215 bronchodilators may include an orally inhaled medication that
216 contains a premeasured single dose of albuterol or albuterol
217 sulfate delivered by a nebulizer or compressor device or by a
218 pressured metered dose inhaler used to treat respiratory
219 distress, including, but not limited to, wheezing, shortness of
220 breath, and difficulty breathing, or another dosage of a
221 bronchodilator recommended in the Guidelines for the Treatment
222 of Asthma.

223 (b) Asthmatic students whose parent and physician provide
224 their approval to the school principal may carry a short-acting
225 bronchodilator on their person while in school. The school
226 principal must be provided a copy of the parent's and
227 physician's approval.

228 (c) An authorized health care practitioner may prescribe
229 short-acting bronchodilators and components in the name of a
230 private school for use in accordance with this section, and a
231 licensed pharmacist may dispense short-acting bronchodilators
232 and components pursuant to a prescription issued in the name of

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233 a private school for use in accordance with this section.

234 (d) A private school may acquire and stock a supply of
235 short-acting bronchodilators and components, as defined in s.
236 1002.20(3)(h), from a wholesale distributor as defined in s.
237 499.003 or may enter into an arrangement with a wholesale
238 distributor or manufacturer, as those terms are defined in s.
239 499.003, for short-acting bronchodilators and components at no
240 charge, a fair market price, or a reduced price for use in the
241 event a student experiences an anaphylactic reaction or
242 respiratory distress. The short-acting bronchodilators and
243 components must be maintained in a secure location on the school
244 premises.

245 (e) A participating private school must adopt a protocol
246 developed by a physician licensed under chapter 458 or chapter
247 459 for the administration of short-acting bronchodilators or
248 components by school personnel who are trained to recognize
249 symptoms of respiratory distress and to administer a short-
250 acting bronchodilator or components. The protocol must provide
251 guidance for administering short-acting bronchodilators in
252 instances of respiratory distress for a student with a known
253 diagnosis of asthma and if approved by the private school for
254 students with no known diagnosis of asthma.

255 (f) The supply of short-acting bronchodilators and
256 components may be provided to and used by a trained school
257 personnel member or a student authorized to self-administer a
258 short-acting bronchodilator.

259 (g) A private school may accept short-acting
260 bronchodilators and components as a donation or transfer if they
261 are new, unexpired, manufacturer-sealed, not subject to recall,

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262 unadulterated, and in compliance with relevant regulations
263 adopted by the United States Food and Drug Administration.

264 (h) A school nurse or a trained school personnel member may
265 administer short-acting bronchodilators or components to
266 students only if the personnel member has successfully completed
267 training and believes in good faith that the student is
268 experiencing respiratory distress or asthma-related distress,
269 regardless of whether the student has a prescription for a
270 short-acting bronchodilator or has previously been diagnosed
271 with asthma.

272 (i) A private school shall provide written notice of the
273 school's adopted protocol to each parent or guardian. A private
274 school must receive prior permission from the parent or guardian
275 to administer a short-acting bronchodilator or components to a
276 student.

277 (j) A private school and its employees and agents who act
278 in good faith are not liable for any injury arising from the use
279 or nonuse of a short-acting bronchodilator or components
280 administered by a trained school personnel member or nurse who
281 follows the adopted protocol and whose professional opinion is
282 that the student is experiencing respiratory distress:

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

285 2. Notwithstanding that the parent or guardian of the
286 student to whom the short-acting bronchodilator is administered
287 has not been provided notice or has not signed a statement
288 acknowledging that the school is not liable; and

289 3. Regardless of whether authorization has been given by
290 the student's parents or guardians or by the student's

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291 physician, physician assistant, or advanced practice registered
292 nurse.

293 (k) An authorized health care practitioner or dispensing
294 pharmacist who prescribes short-acting bronchodilators and
295 components for use by a private school is immune from civil
296 liability for any act or omission related to the administration
297 of a short-acting bronchodilator or components, except for an
298 act of willful or wanton misconduct.

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