

By the Committees on Rules; and Health Policy; and Senator Hooper

595-03343-24

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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  
22      requirements for the protocol; providing that a public  
23      school's short-acting bronchodilators and components  
24      may be provided to and used by trained school  
25      personnel or students authorized to self-administer a  
26      short-acting bronchodilator and components;  
27      authorizing school districts to accept short-acting  
28      bronchodilators and components as a donation or  
29      transfer if the bronchodilators and components meet

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

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

77

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

79

80 Section 1. Paragraph (h) of subsection (3) of section  
81 1002.20, Florida Statutes, is amended to read:

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

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88 (3) HEALTH ISSUES.—

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

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

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

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

96 c. “Authorized health care practitioner” means a physician  
97 licensed under chapter 458 or chapter 459, a physician assistant  
98 licensed under chapter 458 or chapter 459, or an advanced  
99 practice registered nurse licensed under chapter 464.

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

103 e. “Respiratory distress” refers to an individual  
104 experiencing difficulty breathing, which can be caused by a  
105 multitude of medical factors, including chronic diseases such as  
106 asthma.

107 f. “Short-acting bronchodilator” means a beta-2 agonist,  
108 such as albuterol, used for the quick relief of asthma symptoms  
109 and recommended by the National Heart, Lung, and Blood  
110 Institute’s National Asthma Education and Prevention Program  
111 Guidelines for the Treatment of Asthma. These bronchodilators  
112 may include an orally inhaled medication that contains a  
113 premeasured single dose of albuterol or albuterol sulfate  
114 delivered by a nebulizer or compressor device or by a pressured  
115 metered-dose inhaler used to treat respiratory distress,  
116 including, but not limited to, wheezing, shortness of breath,

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117 and difficulty breathing, or another dosage of a short-acting  
118 bronchodilator recommended in the Guidelines for the Treatment  
119 of Asthma.

120 2. Asthmatic students whose parent and physician provide  
121 their approval to the school principal may carry a short-acting  
122 bronchodilator and components ~~metered dose inhaler~~ on their  
123 person while in school. The school principal shall be provided a  
124 copy of the parent's and physician's approval.

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

131 4. A public school may acquire and stock a supply of short-  
132 acting bronchodilators and components from a wholesale  
133 distributor as defined in s. 499.003 or may enter into an  
134 arrangement with a wholesale distributor or manufacturer as  
135 defined in s. 499.003 for short-acting bronchodilators and  
136 components at fair-market, free, or reduced prices pursuant to a  
137 prescription issued in accordance with this section. The short-  
138 acting bronchodilators and components must be maintained in a  
139 secure location on a school's premises.

140 5. A participating public school must adopt a protocol  
141 developed by a physician licensed under chapter 458 or chapter  
142 459 for the administration of short-acting bronchodilators or  
143 components by school personnel who are trained to recognize  
144 symptoms of respiratory distress and to administer a short-  
145 acting bronchodilator or components. The school district and the

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146 protocol must provide guidance for administering short-acting  
147 bronchodilators in instances of respiratory distress for a  
148 student with a known diagnosis of asthma and if approved by the  
149 school district for students with no known diagnosis of asthma.

150 6. The supply of short-acting bronchodilators and  
151 components may be provided to and used by a trained school  
152 personnel member or a student authorized to self-administer a  
153 short-acting bronchodilator and components.

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

159 8. A school nurse or trained school personnel shall only  
160 administer short-acting bronchodilators and components to  
161 students if they have successfully completed training and  
162 believe in good faith that the student is experiencing  
163 respiratory distress, regardless of whether the student has a  
164 prescription for a short-acting bronchodilator and components or  
165 has previously been diagnosed with asthma.

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

172 10. Notwithstanding any other provision of law to the  
173 contrary, a school nurse or school personnel of a school  
174 district trained in the administration of short-acting

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175 bronchodilators who administers or attempts to administer a  
176 short-acting bronchodilator in compliance with this section and  
177 s. 768.13, and the school district that employs the school nurse  
178 or the trained school personnel, are immune from civil or  
179 criminal liability as a result of such administration or  
180 attempted administration of a short-acting bronchodilator.

181 11.a. An authorized health care practitioner, acting in  
182 good faith and exercising reasonable care, is not subject to  
183 discipline or other adverse action under any professional  
184 licensure statute or rule and is immune from any civil or  
185 criminal liability as a result of prescribing a short-acting  
186 bronchodilator in accordance with this section.

187 b. A dispensing health care practitioner or pharmacist,  
188 acting in good faith and exercising reasonable care, is not  
189 subject to discipline or other adverse action under any  
190 professional licensure statute or rule and is immune from any  
191 civil or criminal liability as a result of dispensing a short-  
192 acting bronchodilator in accordance with this section.

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

196 1002.42 Private schools.—

197 (18) SHORT-ACTING BRONCHODILATOR USE.—

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

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

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

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204 3. "Authorized health care practitioner" means a physician  
205 licensed under chapter 458 or chapter 459, a physician assistant  
206 licensed under chapter 458 or chapter 459, or an advanced  
207 practice registered nurse licensed under chapter 464.

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

211 5. "Respiratory distress" refers to an individual  
212 experiencing difficulty breathing, which can be caused by a  
213 multitude of medical factors, including chronic diseases such as  
214 asthma.

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

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

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233       (c) An authorized health care practitioner may prescribe  
234 short-acting bronchodilators and components in the name of a  
235 private school for use in accordance with this section, and a  
236 licensed pharmacist may dispense short-acting bronchodilators  
237 and components pursuant to a prescription issued in the name of  
238 a private school for use in accordance with this section.

239       (d) A private school may acquire and stock a supply of  
240 short-acting bronchodilators and components from a wholesale  
241 distributor as defined in s. 499.003 or may enter into an  
242 arrangement with a wholesale distributor or manufacturer as  
243 defined in s. 499.003 for short-acting bronchodilators and  
244 components at fair-market, free, or reduced prices pursuant to a  
245 prescription issued in accordance with this section. The short-  
246 acting bronchodilators and components must be maintained in a  
247 secure location on the school premises.

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

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

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

267 (f) A school nurse or trained school personnel shall only  
268 administer short-acting bronchodilators and components to  
269 students if they have successfully completed training and  
270 believe in good faith that the student is experiencing  
271 respiratory distress, regardless of whether the student has a  
272 prescription for a short-acting bronchodilator and components or  
273 has previously been diagnosed with asthma.

274 (g) The private school shall provide written notice to the  
275 parent of each student enrolled in the private school of the  
276 school's adopted protocol. The private school must receive prior  
277 permission from the parent or guardian to administer a short-  
278 acting bronchodilator or components to a student.

279 (h) Notwithstanding any other provision of law to the  
280 contrary, a school nurse or school personnel of a private school  
281 trained in the administration of short-acting bronchodilators  
282 who administers or attempts to administer a short-acting  
283 bronchodilator in compliance with this section and s. 768.13,  
284 and the private school that employs the school nurse or the  
285 trained school personnel, are immune from civil or criminal  
286 liability as a result of such administration or attempted  
287 administration of a short-acting bronchodilator.

288 (i)1. An authorized health care practitioner, acting in  
289 good faith and exercising reasonable care, is not subject to  
290 discipline or other adverse action under any professional

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291 licensure statute or rule and is immune from any civil or  
292 criminal liability as a result of prescribing a short-acting  
293 bronchodilator in accordance with this section.

294 2. A dispensing health care practitioner or pharmacist,  
295 acting in good faith and exercising reasonable care, is not  
296 subject to discipline or other adverse action under any  
297 professional licensure statute or rule and is immune from any  
298 civil or criminal liability as a result of dispensing a short-  
299 acting bronchodilator in accordance with this section.

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