## SENATE BILL 180

F1 (4lr1431)

## ENROLLED BILL

— Education, Energy, and the Environment/Ways and Means — Introduced by Senator Hester

introduced by Schutor Hester
Read and Examined by Proofreaders:
Proofreader.
Proofreader.
Sealed with the Great Seal and presented to the Governor, for his approval this
day of at o'clock,M.
President.
CHAPTER
AN ACT concerning
Public and Nonpublic Schools – <del>Auto-Injectable Epinephrine and</del> Bronchodilators – Use, Availability, Training, and Policies
FOR the purpose of requiring each county board of education and authorizing nonpublic schools in the State to update their policies to require certain school nurses and other school personnel to complete certain training before they are authorized to administer auto-injectable epinephrine to a student who is determined to be, or is perceived to be, in anaphylaxis; requiring the State Department of Education, in consultation with certain groups, to identify or develop training for certain school personnel to identify symptoms of anaphylaxis, asthma, and respiratory distress in students; requiring each county board the Maryland Department of Health, in consultation with county boards, and authorizing nonpublic schools in the State to

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.

establish a policy to obtain, administer, and train certain school nurses and other

school personnel to administer in emergency situations bronchodilators to a student

who is determined to have asthma, is be or, or is perceived to be, experiencing

Italics indicate opposite chamber/conference committee amendments.



1 2 3 4	asthma—related symptoms, symptoms or is perceived to be in respiratory distress by a school nurse or any other certain designated school personnel; and generally relating to use and availability of auto—injectable epinephrine and bronchodilators in public and nonpublic schools in the State.						
5 6 7 8 9	BY repealing and reenacting, with amendments, Article - Education Section 7-426.2 and 7-426.3 Annotated Code of Maryland (2022 Replacement Volume and 2023 Supplement)						
10 11 12 13 14 15 16	BY adding to    Article – Education    Section 7–426.6 and 7–426.7    Annotated Code of Maryland    (2022 Replacement Volume and 2023 Supplement)  SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
17	Article – Education						
18	<del>7–426.2.</del>						
19	(a) (1) In this section the following words have the meanings indicated.						
20 21	(2) "Anaphylaxis" means a sudden, severe, and potentially life—threatening allergic reaction that occurs when an individual is exposed to an allergen.						
22 23 24	(3) "Auto-injectable epinephrine" means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine that is used to treat anaphylaxis in an emergency situation.						
25 26 27 28 29 30	(b) Each county board shall establish a policy for public schools within its jurisdiction to authorize the school nurse and other school personnel to administer auto-injectable epinephrine, if available, to a student who is determined BY AN INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, IF AVAILABLE, to be or perceived to be in anaphylaxis, regardless of whether the student:						
31 32	(1) Has been identified as having an anaphylactic allergy, as defined in § 7–426.1 of this subtitle; or						
33 34 35	(2) Has [a prescription for] BEEN PRESCRIBED epinephrine [as prescribed] by an authorized licensed health care practitioner under the Health Occupations Article.						

1 2			<del>f Hea</del> i	DEPARTMENT, IN CONSULTATION WITH THE MARYLAND LTH, THE AMERICAN LUNG ASSOCIATION, AND THE ASTHMA	
3 4	TO:	<del>KGY F</del>	<del>UUND!</del>	ATION OF AMERICA, SHALL IDENTIFY OR DEVELOP TRAINING	
5 6	<del>DISTRESS;</del>		<del>(1)</del>	IDENTIFY THE SYMPTOMS OF ASTHMA AND RESPIRATORY	
7			<del>(II)</del>	IDENTIFY THE SYMPTOMS OF ANAPHYLAXIS; AND	
8 9	RESPIRATO	<del>ORY D</del> i	<del>(III)</del> ISTRES	DISTINGUISH BETWEEN ANAPHYLAXIS AND ASTHMA OR	
10	<u>(1) OF THE</u>	<del>(2)</del>		TRAINING IDENTIFIED OR DEVELOPED UNDER PARAGRAPH N SHALL BE PROVIDED TO SCHOOL NURSES AND VOLUNTARY	
12	` '			WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE	
13				OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF	
4	THE TRAIN			/	
15		<del>(3)</del>	THE	TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A	
6	PAID PROF	<del>'ESSIO</del>	NAL D	EVELOPMENT TRAINING.	
17	<del>(D)</del>	The j	<del>policy e</del>	stablished under subsection (b) of this section shall include:	
18		<del>(1)</del>	<del>[Trai</del>	ning for school personnel on how to recognize the symptoms of	
9	anaphylaxi	<del>s] The</del>	TRAIN	VING IDENTIFIED OR DEVELOPED UNDER SUBSECTION (C) OF	
20	THIS SECT	,	_		
21		$\frac{(2)}{(2)}$		dures for the emergency administration of auto-injectable	
22	epinephrine			OL NURSE OR DESIGNATED VOLUNTEER-SCHOOL PERSONNEL;	
23		<del>(3)</del>	-	proper follow-up emergency procedures;	
24	1 1 .	<del>(4)</del>	_	wision authorizing a school nurse to obtain and store at a public	
25	<del>school auto</del>		_	inephrine to be used in an emergency situation; and	
26		<del>(5)</del>		uirement that each public school develop and implement a method	
27	for notifying the parents or guardians of students of the school's policy under this section at the beginning of each school year.				
28	at the begin			•	
29	<del>(E)</del>	<del>(1)</del>		UTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY	
30				FABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATED	
31	VOLUNTEE	R SCH	OOL P	ERSONNEL-FOR USE IN ACCORDANCE WITH THIS SECTION.	

1	(2) AUTO-INJECTABLE EPINEPHRINE USED UNDER THIS SECTION
2	MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.
3	(3) A COUNTY BOARD OR PUBLIC SCHOOL MAY ACCEPT DONATED
4	AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACY OR
5	MANUFACTURER.
6	(4) A COUNTY BOARD MAY APPLY FOR GRANTS TO OBTAIN FUNDING
7	FOR THE PURCHASE OF AUTO INJECTABLE EPINEPHRINE FROM A LICENSED
8	PHARMACY OR MANUFACTURER.
O	THREE OF MENOTICIDES.
9	[(d)] (F) Except for any willful or grossly negligent act, a school nurse or other
10	school personnel who respond in good faith to the anaphylactic reaction of a child in
11	accordance with this section may not be held personally liable for any act or omission in the
12	course of responding to the reaction.
13	<del>f(e)  (G)</del> (1) Each public school shall submit, on the form that the Department
14	requires, a report to the Department on each incident at the school or at a related school
15	event that required the use of auto-injectable epinephrine.
16	(2) The Department shall develop and disseminate a standard form to
17	report each incident requiring the use of auto-injectable epinephrine at a public school.
10	7 400 9
18	<del>7-426.3.</del>
19	(a) (1) In this section the following words have the meanings indicated.
20	(2) "Anaphylaxis" means a sudden, severe, and potentially life-threatening
21	allergic reaction that occurs when an individual is exposed to an allergen.
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22	(3) "Auto-injectable epinephrine" means a portable, disposable drug
23	delivery device that contains a premeasured single dose of epinephrine that is used to treat
24	anaphylaxis in an emergency situation.
25	(4) "School personnel" means individuals who are employed by a nonpublic
26	school, including part-time employees, teachers and substitute teachers employed by the
27	school for at least 7 days each school year, a school nurse, registered nurse case manager,
28	delegating nurse, and administrative staff.
29	(b) Each nonpublic school in the State may establish a policy authorizing school
30	(b) Each nonpublic school in the State may establish a policy authorizing school personnel to administer auto-injectable epinephrine, if available, to a student who is
31	determined BY AN INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED
$\frac{31}{32}$	UNDER § 7-426.2(c) OF THIS SUBTITLE, IF AVAILABLE, to be or perceived to be in
33	anaphylaxis, regardless of whether the student:
oo	anaphyraxio, regardiess or whether the student.

1	(1) Has been identified as having an anaphylactic allergy, as defined in §
2	7–426.1 of this subtitle; or
3	(2) Has a prescription for BEEN PRESCRIBED epinephrine as
4	prescribed by an authorized licensed health care practitioner under the Health
5	Occupations Article.
6	(e) The policy established under subsection (b) of this section shall include:
7	(1) [Training for school personnel on how to recognize the signs and
8	symptoms of anaphylaxis by a licensed health care practitioner who is authorized to
9	administer auto-injectable epinephrine and who has been trained in an established
0	protocol on how to recognize the signs and symptoms of anaphylaxis] THE TRAINING
1	IDENTIFIED OR DEVELOPED UNDER § 7-426.2(C) OF THIS SUBTITLE FOR SCHOOL
$^{2}$	NURSES AND VOLUNTARY SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL
13	NURSE AND, IN THE CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE
4	APPROPRIATE RECIPIENTS OF THE TRAINING;
15	(2) Procedures for the emergency administration of auto-injectable
6	epinephrine BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER SCHOOL PERSONNEL
17	(3) The proper follow-up emergency procedures;
18	(4) A provision authorizing a school nurse or other licensed health care
9	practitioner to obtain and, school personnel to store, at a nonpublic school auto-injectable
20	epinephrine to be used in an emergency situation;
21	(5) A requirement that the nonpublic school develop and implement a
22	method for notifying the parents or guardians of students of the school's policy under this
23	section at the beginning of each school year; and
24	(6) An ongoing process for oversight and monitoring by a licensed health
25	care practitioner of the implementation of the policy established under subsection (b) of this
26	<del>section.</del>
27	(D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY
28	PROVIDE AUTO-INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATED
29	VOLUNTEER SCHOOL PERSONNEL FOR USE IN ACCORDANCE WITH THIS SECTION.
30	(2) AUTO INJECTABLE EPINEPHRINE USED UNDER THIS SECTION
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32 (3) A NONPUBLIC SCHOOL MAY ACCEPT DONATED AUTO-INJECTABLE
33 EPINEPHRINE FROM A LICENSED PHARMACY OR MANUFACTURER.

- 1 (4) A NONPUBLIC SCHOOL MAY APPLY FOR GRANTS TO OBTAIN
  2 FUNDING FOR THE PURCHASE OF AUTO-INJECTABLE EPINEPHRINE FROM A
  3 LICENSED PHARMACY OR MANUFACTURER.
- Except for any willful or grossly negligent act, school personnel who respond in good faith to the anaphylactic reaction of a child in accordance with this section may not be held personally liable for any act or omission in the course of responding to the reaction.
- 8 **7–426.6.**
- 9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS 10 INDICATED.
- 11 (2) "ASTHMA" MEANS A CHRONIC LUNG DISEASE THAT INFLAMES 12 AND NARROWS AIR PASSAGES, CAUSING RECURRING PERIODS OF WHEEZING, CHEST 13 TIGHTNESS, SHORTNESS OF BREATH, AND COUGHING.
- 14 (3) "BRONCHODILATOR" MEANS MEDICATION THAT RELAXES
  15 BRONCHIAL MUSCLES, RESULTING IN THE EXPANSION OF BRONCHIAL AIR
  16 PASSAGES TO PROVIDE FAST TREATMENT OF ASTHMA-RELATED SYMPTOMS AND
  17 SYMPTOMS OF RESPIRATORY DISTRESS.
- 18 (4) (I) "SCHOOL PERSONNEL" MEANS INDIVIDUALS WHO ARE
  19 EMPLOYED BY A PUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS
  20 AND SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH
  21 SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING NURSES, AND
  22 ADMINISTRATIVE STAFF OR, IN THE CASE OF SOME SCHOOL HEALTH STAFF, BY A
  23 LOCAL HEALTH DEPARTMENT.
- 24 <u>(II) "SCHOOL PERSONNEL" INCLUDES PART-TIME EMPLOYEES,</u> 25 <u>TEACHERS, SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7</u> 26 <u>DAYS EACH SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING</u> 27 NURSES, AND ADMINISTRATIVE STAFF.
- 28 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, (B) 29 EACH COUNTY BOARD THE MARYLAND DEPARTMENT OF HEALTH, IN 30 CONSULTATION WITH COUNTY BOARDS, SHALL ESTABLISH A POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE AND OTHER 31 DESIGNATED SCHOOL PERSONNEL TO ADMINISTER A BRONCHODILATOR TO A 32 33 STUDENT WHO IS DETERMINED BY AN INDIVIDUAL WHO HAS UNDERGONE THE 34 TRAINING PROVIDED UNDER SUBSECTION (C) OF THIS SECTION TO HAVE ASTHMA, IS BE OR, OR IS PERCEIVED TO BE, EXPERIENCING ASTHMA-RELATED SYMPTOMS, 35

- 1 OR IS PERCEIVED TO BE IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE
- 2 STUDENT:
- 3 (I) HAS BEEN DIAGNOSED WITH ASTHMA OR REACTIVE AIRWAY
- 4 DISEASE; OR
- 5 (II) HAS BEEN PRESCRIBED A BRONCHODILATOR BY AN
- 6 AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH
- 7 OCCUPATIONS ARTICLE.
- 8 (2) NEITHER A SCHOOL NURSE NOR ANY OTHER <u>DESIGNATED</u>
- 9 SCHOOL PERSONNEL MAY ADMINISTER A BRONCHODILATOR TO A
- 10 PREKINDERGARTEN STUDENT UNLESS THE STUDENT HAS BEEN DIAGNOSED WITH
- 11 ASTHMA OR A REACTIVE AIRWAY DISEASE AND HAS A PRESCRIPTION FOR A
- 12 BRONCHODILATOR AS PRESCRIBED BY THE STUDENT'S HEALTH CARE
- 13 PRACTITIONER.
- 14 (C) (1) THE TRAINING IDENTIFIED OR DEVELOPED UNDER § 7–426.2(C)
- 15 OF THIS SUBTITLE SHALL BE PROVIDED TO SCHOOL NURSES AND VOLUNTARY
- 16 SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE
- 17 CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF
- 18 THE TRAINING.
- 19 (2) THE TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A
- 20 PAID PROFESSIONAL DEVELOPMENT TRAINING.
- 21 (C) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND
- 22 DEPARTMENT OF HEALTH, THE AMERICAN LUNG ASSOCIATION, AND THE ASTHMA
- 23 AND ALLERGY FOUNDATION OF AMERICA, SHALL IDENTIFY OR DEVELOP TRAINING
- 24 **TO:**
- 25 (I) IDENTIFY THE SYMPTOMS OF ASTHMA AND RESPIRATORY
- 26 DISTRESS;
- 27 (II) IDENTIFY THE SYMPTOMS OF ANAPHYLAXIS; AND
- 28 (III) DISTINGUISH BETWEEN ANAPHYLAXIS AND ASTHMA OR
- 29 RESPIRATORY DISTRESS.
- 30 (2) The training identified or developed under paragraph
- 31 (1) OF THIS SUBSECTION SHALL BE PROVIDED TO SCHOOL NURSES AND VOLUNTARY
- 32 SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE
- 33 CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF
- 34 THE TRAINING.

- 1 (3) THE TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A
  2 PAID PROFESSIONAL DEVELOPMENT TRAINING.
- 3 (D) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION 4 SHALL INCLUDE:
- 5 (1) THE TRAINING REQUIRED UNDER SUBSECTION (C) OF THIS 6 SECTION:
- 7 (2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A 8 BRONCHODILATOR BY A SCHOOL NURSE OR DESIGNATED <del>VOLUNTEER</del> <u>SCHOOL</u> 9 <u>PERSONNEL</u>;
- 10 (3) PROCEDURES FOR RECOGNIZING AND THE NEED TO ADMINISTER
  11 ABRONCHODILATOR AND FOR ADMINISTERING A BRONCHODILATOR BASED ON THE
  12 SEVERITY OF THE SYMPTOMS BEING EXPERIENCED BY THE STUDENT;
- 13 (4) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;
- 14 (4) (5) A PROVISION AUTHORIZING A SCHOOL NURSE TO OBTAIN
  15 AND STORE AT A PUBLIC SCHOOL REQUIRING THAT BRONCHODILATORS AND MODES
  16 OF DELIVERY, INCLUDING INHALERS WITH SPACERS, BE STORED IN PUBLIC
  17 SCHOOLS TO BE USED IN AN EMERGENCY SITUATION; AND
- 18 (5) (6) A PROVISION AUTHORIZING A COUNTY BOARD TO OBTAIN A
  19 STANDING ORDER FOR THE ADMINISTRATION OF BRONCHODILATORS; AND
- 20 (7) A REQUIREMENT THAT EACH PUBLIC SCHOOL DEVELOP AND IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH SCHOOL YEAR.
- 24 (E) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY 25 PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR DESIGNATED <del>VOLUNTEER</del> 26 <u>SCHOOL PERSONNEL</u> FOR USE IN ACCORDANCE WITH THIS SECTION.
- 27 (2) BRONCHODILATORS AND MODES OF ADMINISTRATION, 28 INCLUDING INHALERS WITH SPACERS, USED BY A SCHOOL NURSE OR ANY OTHER 29 <u>DESIGNATED</u> SCHOOL PERSONNEL MUST BE FROM A LICENSED PHARMACY OR 30 MANUFACTURER.

- 1 (3) A COUNTY BOARD OR PUBLIC SCHOOL MAY ACCEPT DONATED BRONCHODILATORS AND MODES OF ADMINISTRATION, INCLUDING INHALERS WITH
- 3 SPACERS, FROM A LICENSED PHARMACY OR MANUFACTURER.
- 4 (4) A COUNTY BOARD MAY APPLY FOR GRANTS TO OBTAIN FUNDING
- 5 FOR THE PURCHASE OF BRONCHODILATORS AND MODES OF ADMINISTRATION,
- 6 INCLUDING INHALERS WITH SPACERS.
- 7 (F) (1) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A
- 8 SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH
- 9 TO THE ASTHMA ATTACK OR RESPIRATORY DISTRESS OF A CHILD IN ACCORDANCE
- 10 WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR
- 11 OMISSION IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.
- 12 <u>(2)</u> <u>Except for any willful or grossly negligent act, a</u>
- 13 HEALTH CARE PROVIDER WHO PRESCRIBES OR DISPENSES A BRONCHODILATOR
- 14 <u>USED TO TREAT A CHILD IN ACCORDANCE WITH PARAGRAPH (1) OF THIS</u>
- 15 SUBSECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION
- 16 THAT OCCURS IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.
- 17 (G) (I) (I) FOR EACH INCIDENT AT THE SCHOOL OR AT A RELATED
- 18 SCHOOL EVENT THAT REQUIRES THE USE OF A BRONCHODILATOR STOCK
- 19 BRONCHODILATOR IN ACCORDANCE WITH THIS SECTION, EACH PUBLIC SCHOOL
- 20 SHALL:
- 21 1. NOTIFY THE STUDENT'S PARENT OR LEGAL
- 22 GUARDIAN OF THE INCIDENT; AND
- 23 MAKE A RECORD OF THE INCIDENT, ON THE FORM
- 24 THAT THE DEPARTMENT REQUIRES, AND FILE THE FORM IN THE STUDENT'S SCHOOL
- 25 MEDICAL RECORD.
- 26 (II) EACH PUBLIC SCHOOL SHALL SUBMIT TO THE
- 27 DEPARTMENT A REPORT, ON THE FORM AND SCHEDULE REQUIRED BY THE
- 28 DEPARTMENT, ON THE NUMBER OF INCIDENTS AT THE SCHOOL OR AT A RELATED
- 29 SCHOOL EVENT THAT REQUIRED THE USE OF A BRONCHODILATOR STOCK
- 30 BRONCHODILATOR IN ACCORDANCE WITH THIS SECTION.
- 31 (2) THE DEPARTMENT SHALL DEVELOP AND DISSEMINATE
- 32 STANDARD FORMS TO RECORD EACH INCIDENT AND REPORT INCIDENTS REQUIRING
- 33 THE USE OF A BRONCHODILATOR AT A PUBLIC SCHOOL.
- 34 **7–426.7.**

- 1 (A) **(1)** IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS 2 INDICATED.
- 3 "ASTHMA" MEANS A CHRONIC LUNG DISEASE THAT INFLAMES AND NARROWS AIR PASSAGES, CAUSING RECURRING PERIODS OF WHEEZING, CHEST 4
- TIGHTNESS, SHORTNESS OF BREATH, AND COUGHING. 5
- 6 "BRONCHODILATOR" MEANS MEDICATION THAT RELAXES BRONCHIAL MUSCLES, RESULTING IN THE EXPANSION OF BRONCHIAL AIR 7 8 PASSAGES TO PROVIDE FAST TREATMENT OF ASTHMA-RELATED SYMPTOMS AND 9 SYMPTOMS OF RESPIRATORY DISTRESS.
- 10 "SCHOOL PERSONNEL" MEANS INDIVIDUALS WHO ARE EMPLOYED **(4)** 11 BY A NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS AND 12 SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH 13 SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING NURSES, AND 14 ADMINISTRATIVE STAFF.
- 15 **(1)** EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, (B) EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY AUTHORIZING 16 17 THE SCHOOL NURSE AND OTHER DESIGNATED SCHOOL PERSONNEL TO ADMINISTER A BRONCHODILATOR TO A STUDENT WHO IS DETERMINED BY AN INDIVIDUAL WHO 18 19 HAS UNDERGONE THE TRAINING PROVIDED UNDER § 7-426.2(C) DEVELOPED UNDER § 7-426.6(C) OF THIS SUBTITLE TO HAVE ASTHMA, IS BE OR, OR IS PERCEIVED TO 20 21BE, EXPERIENCING ASTHMA-RELATED SYMPTOMS, SYMPTOMS OR IS PERCEIVED TO BE IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE STUDENT: 22
- 23 **(I)** HAS BEEN DIAGNOSED WITH ASTHMA OR REACTIVE AIRWAY 24DISEASE; OR
- 25 (II) HAS BEEN PRESCRIBED A BRONCHODILATOR BY AN 26 AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH OCCUPATIONS ARTICLE. 27
- 28 A SCHOOL NURSE OR ANY OTHER DESIGNATED SCHOOL 29 PERSONNEL MAY NOT ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN 30 STUDENT UNLESS THE STUDENT HAS BEEN DIAGNOSED WITH ASTHMA OR A REACTIVE AIRWAY DISEASE AND HAS A PRESCRIPTION FOR A BRONCHODILATOR AS 31 32 PRESCRIBED BY THE STUDENT'S HEALTH CARE PRACTITIONER.
- 33 THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION 34 SHALL INCLUDE:

- 1 (1) The training identified or developed under  $\S$  7–426.2(c)  $\S$  2 7–426.6(c) of this subtitle for school nurses and voluntary school
- 3 PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE CLINICAL
- 4 JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF THE
- 5 TRAINING;
- 6 (2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A 7 BRONCHODILATOR BY A SCHOOL NURSE OR DESIGNATED <del>VOLUNTEER</del> <u>SCHOOL</u>
- 8 PERSONNEL;
- 9 (3) PROCEDURES FOR RECOGNIZING AND THE NEED TO ADMINISTER
- 10 A BRONCHODILATOR AND FOR ADMINISTERING A BRONCHODILATOR BASED ON THE
- 11 SEVERITY OF THE SYMPTOMS BEING EXPERIENCED BY THE STUDENT;
- 12 (3) (4) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;
- 13 (4) (5) A PROVISION AUTHORIZING A SCHOOL NURSE OR ANY
- 14 OTHER LICENSED HEALTH CARE PRACTITIONER TO OBTAIN, AND A SCHOOL NURSE
- 15 OR ANY OTHER SCHOOL PERSONNEL TO STORE, AT A NONPUBLIC SCHOOL FOR USE
- 16 IN AN EMERGENCY SITUATION REQUIRING THAT BRONCHODILATORS AND MODES OF
- 17 DELIVERY, INCLUDING INHALERS WITH SPACERS, BE STORED IN NONPUBLIC
- 18 SCHOOLS TO BE USED IN AN EMERGENCY SITUATION;
- 19 (5) (6) A REQUIREMENT THAT THE NONPUBLIC SCHOOL DEVELOP
- 20 AND IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF
- 21 STUDENTS OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF
- 22 EACH SCHOOL YEAR; AND
- 23 (6) (7) A PROVISION AUTHORIZING A NONPUBLIC SCHOOL TO
- 24 OBTAIN A STANDING ORDER FOR THE ADMINISTRATION OF BRONCHODILATORS; AND
- 25 (8) AN ONGOING PROCESS FOR OVERSIGHT AND MONITORING BY A
- 26 LICENSED HEALTH CARE PRACTITIONER OF THE IMPLEMENTATION OF THE POLICY
- 27 ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.
- 28 (D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY
- 29 PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR DESIGNATED VOLUNTEER
- 30 FOR USE IN ACCORDANCE WITH THIS SECTION.
- 31 (2) BRONCHODILATORS AND MODES OF ADMINISTRATION,
- 32 INCLUDING INHALERS WITH SPACERS, USED BY A SCHOOL NURSE OR ANY OTHER
- 33 DESIGNATED SCHOOL PERSONNEL MUST BE FROM A LICENSED PHARMACY OR
- 34 MANUFACTURER.

1 2 3	(3) A NONPUBLIC SCHOOL MAY ACCEPT DONATED BRONCHODILATORS AND MODES OF ADMINISTRATION, INCLUDING INHALERS WITH SPACERS, FROM A LICENSED PHARMACY OR MANUFACTURER.
4 5 6	(4) A NONPUBLIC SCHOOL MAY APPLY FOR GRANTS TO OBTAIN FUNDING FOR THE PURCHASE OF BRONCHODILATORS AND MODES OF ADMINISTRATION, INCLUDING INHALERS WITH SPACERS.
7 8 9 10 11	(E) (1) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE ASTHMA ATTACK OR RESPIRATORY DISTRESS OF A CHILD IN ACCORDANCE WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.
12 13 14 15 16	(2) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A HEALTH CARE PROVIDER WHO PRESCRIBES OR DISPENSES A BRONCHODILATOR USED TO TREAT A CHILD IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION THAT OCCURS IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.
17 18	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.
	Approved:
	Governor.
	President of the Senate.
	Speaker of the House of Delegates.