

CHAPTER 2024-53

Committee Substitute for Committee Substitute for House Bill No. 883

An act relating to short-acting bronchodilator use in public and private schools; amending ss. 1002.20 and 1002.42, F.S.; providing definitions; authorizing certain public and private school students to carry a short-acting bronchodilator and components; providing for public and private schools to receive prescribed short-acting bronchodilators and components in the school's name; authorizing public and private schools to acquire and stock a supply of short-acting bronchodilators and components through specified means; providing for the adoption of specified protocols relating to such short-acting bronchodilators and components; providing school district, public and private school, and parental requirements for the administration of such short-acting bronchodilators and components; providing construction; providing an effective date.

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

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 rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

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

1. As used in this paragraph, the term:

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

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

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

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

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

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

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

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

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

5. A participating public school must adopt a protocol developed by a physician licensed under chapter 458 or chapter 459 for the administration of short-acting bronchodilators or components by school personnel who are trained to recognize symptoms of respiratory distress and to administer a short-acting bronchodilator or components. The school district and the protocol must provide guidance for administering short-acting bronchodilators or components in instances of respiratory distress for a student with a known diagnosis of asthma and if approved by the school district for students with no known diagnosis of asthma.

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

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

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

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

10. Notwithstanding any other provision of law to the contrary, a school nurse or school personnel of a school district trained in the administration of short-acting bronchodilator and components who administers or attempts to administer a short-acting bronchodilator or components in compliance with this section and s. 768.13 and the school district that employs the school nurse or the trained school personnel are immune from civil or criminal liability as a result of such administration or attempted administration of a short-acting bronchodilator or components.

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

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

Section 2. Subsection (18) of section 1002.42, Florida Statutes, is renumbered as subsection (19) and subsection (18) is added to that section, to read:

1002.42 Private schools.—

(18) SHORT-ACTING BRONCHODILATOR USE.—

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

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

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

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

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

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

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

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

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

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

(e) A participating private school must adopt a protocol developed by a physician licensed under chapter 458 or chapter 459 for the administration

of short-acting bronchodilators or components by school personnel who are trained to recognize symptoms of respiratory distress and to administer a short-acting bronchodilator or components. The protocol must provide guidance for administering short-acting bronchodilators or components in instances of respiratory distress for a student with a known diagnosis of asthma and if approved by the private school for students with no known diagnosis of asthma.

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

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

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

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

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

(k)1. An authorized health care practitioner, acting in good faith and exercising reasonable care, is not subject to discipline or other adverse action under any professional licensure statute or rule and is immune from any civil or criminal liability as a result of prescribing a short-acting bronchodilator or components in accordance with this section.

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

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

Approved by the Governor April 2, 2024.

Filed in Office Secretary of State April 2, 2024.