

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Koster offered the following:

2
3 **Amendment**

4 Remove lines 89-241 and insert:

5 bronchodilators or components in instances of respiratory
6 distress for a student with a known diagnosis of asthma and if
7 approved by the school district for students with no known
8 diagnosis of asthma.

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

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

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

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

31 10. Notwithstanding any other provision of law to the
32 contrary, a school nurse or school personnel of a school
33 district trained in the administration of short-acting
34 bronchodilator and components who administers or attempts to
35 administer a short-acting bronchodilator or components in
36 compliance with this section and s. 768.13 and the school
37 district that employs the school nurse or the trained school

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38 personnel are immune from civil or criminal liability as a
39 result of such administration or attempted administration of a
40 short-acting bronchodilator or components.

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

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

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

57 1002.42 Private schools.—

58 (18) SHORT-ACTING BRONCHODILATOR USE.—

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

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

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

65 3. "Authorized health care practitioner" means a physician
66 licensed under chapter 458 or chapter 459, a physician assistant
67 licensed under chapter 458 or chapter 459, or an advanced
68 practice registered nurse licensed under chapter 464.

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

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

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

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87 bronchodilator recommended in the Guidelines for the Treatment
88 of Asthma.

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

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

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

109 (e) A participating private school must adopt a protocol
110 developed by a physician licensed under chapter 458 or chapter
111 459 for the administration of short-acting bronchodilators or

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

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

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

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

135 (i) The private school shall provide written notice to the
136 parent of each student enrolled in the private school of the

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137 school's adopted protocol. The private school must receive prior
138 permission from the parent or guardian to administer a short-
139 acting bronchodilator or components to a student.

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

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

156 2. A dispensing health care practitioner or pharmacist,
157 acting in good faith and exercising reasonable care, is not
158 subject to discipline or other adverse action under any
159 professional licensure statute or rule and is immune from any
160 civil or criminal liability as a result of dispensing a short-

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161 acting bronchodilator or components in accordance with this
162 section.

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