

**House File 701 - Introduced**

HOUSE FILE 701

BY GJERDE and A. MEYER

**A BILL FOR**

1 An Act relating to the self-administration and storage of  
2 bronchodilators and bronchodilator canisters and spacers  
3 relative to schools and students.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 280.16, Code 2021, is amended to read as  
2 follows:

3 **280.16 Self-administration of respiratory distress, asthma,**  
4 **or other airway constricting disease medication, ~~or~~ epinephrine**  
5 **auto-injectors, or bronchodilator canisters and spacers.**

6 1. *Definitions.* For purposes of **this section**:

7 *a. "Bronchodilator"* means a bronchodilator as recommended by  
8 the department of public health for treatment of a student's  
9 respiratory distress, asthma, or other airway constricting  
10 disease.

11 *b. "Bronchodilator canister"* means a portable drug  
12 delivery device packaged with multiple premeasured doses of a  
13 bronchodilator.

14 ~~*c.*~~ *c. "Epinephrine auto-injector"* means a device for  
15 immediate self-administration or administration by another  
16 trained individual of a measured dose of epinephrine to a  
17 person at risk of anaphylaxis.

18 ~~*d.*~~ *d. "Licensed health care professional"* means a person  
19 licensed under **chapter 148** to practice medicine and surgery or  
20 osteopathic medicine and surgery, an advanced registered nurse  
21 practitioner licensed under **chapter 152** or **152E** and registered  
22 with the board of nursing, or a physician assistant licensed to  
23 practice under the supervision of a physician as authorized in  
24 chapters 147 and **148C**.

25 ~~*e.*~~ *e. "Medication"* means a drug that meets the definition  
26 provided in **section 126.2, subsection 8**, has an individual  
27 prescription label, is prescribed by a licensed health care  
28 professional for a student, and pertains to the student's  
29 respiratory distress, asthma, or other airway constricting  
30 disease, or risk of anaphylaxis, and includes but is not  
31 limited to a bronchodilator.

32 ~~*f.*~~ *f. "Self-administration"* means a student's discretionary  
33 use of medication prescribed by a licensed health care  
34 professional for the student.

35 *g. "Spacer"* means a holding chamber that is used to optimize

1 the delivery of a bronchodilator to a person's lungs.

2 2. The board of directors of a school district and the  
3 authorities in charge of an accredited nonpublic school  
4 shall permit the self-administration of medication or the use  
5 of a bronchodilator canister and spacer by a student with  
6 respiratory distress, asthma, or other airway constricting  
7 disease or the use of an epinephrine auto-injector by a student  
8 with a risk of anaphylaxis if the following conditions are met:

9 a. The student's parent or guardian provides to the  
10 school written authorization for the self-administration of  
11 medication, for the use of a bronchodilator canister and  
12 spacer, or for the use of an epinephrine auto-injector.

13 b. The student's parent or guardian provides to the school  
14 a written statement from the student's licensed health care  
15 professional containing the following information:

16 (1) The name and purpose of the medication, bronchodilator  
17 canister and spacer, or epinephrine auto-injector.

18 (2) The prescribed dosage.

19 (3) The times at which or the special circumstances under  
20 which the medication, bronchodilator canister and spacer, or  
21 epinephrine auto-injector is to be administered.

22 c. The parent or guardian and the school meet the  
23 requirements of [subsection 3](#).

24 3. The school district or accredited nonpublic school  
25 shall notify the parent or guardian of the student, in  
26 writing, that the school district or accredited nonpublic  
27 school and its employees are to incur no liability, except  
28 for gross negligence, as a result of any injury arising from  
29 self-administration of medication, use of a bronchodilator  
30 canister and spacer, or use of an epinephrine auto-injector  
31 by the student. The parent or guardian of the student shall  
32 sign a statement acknowledging that the school district or  
33 nonpublic school is to incur no liability, except for gross  
34 negligence, as a result of self-administration of medication,  
35 use of a bronchodilator canister and spacer, or use of an

1 epinephrine auto-injector by the student. A school district or  
 2 accredited nonpublic school and its employees acting reasonably  
 3 and in good faith shall incur no liability for any improper  
 4 use of medication, a bronchodilator canister and spacer, or  
 5 an epinephrine auto-injector as defined in [this section](#) or  
 6 for supervising, monitoring, or interfering with a student's  
 7 self-administration of medication, use of a bronchodilator  
 8 canister and spacer, or use of an epinephrine auto-injector as  
 9 defined in [this section](#).

10 4. The permission for self-administration of medication,  
 11 ~~or for the use of a bronchodilator canister and spacer, or for~~  
 12 the use of an epinephrine auto-injector is effective for the  
 13 school year for which it is granted and shall be renewed each  
 14 subsequent school year upon fulfillment of the requirements  
 15 of [this section](#). However, the parent or guardian shall  
 16 immediately notify the school of any changes in the conditions  
 17 listed under [subsection 2](#).

18 5. Provided that the requirements of [this section](#) are  
 19 fulfilled, a student with respiratory distress, asthma, or  
 20 other airway constricting disease may possess and use the  
 21 student's medication and a student with a written statement  
 22 from a licensed health care professional on file pursuant  
 23 to [subsection 2](#), paragraph "a", may use a bronchodilator  
 24 canister and spacer or an epinephrine auto-injector while in  
 25 school, at school-sponsored activities, under the supervision  
 26 of school personnel, and before or after normal school  
 27 activities, such as while in before-school or after-school  
 28 care on school-operated property. If the student misuses this  
 29 privilege, the privilege may be withdrawn. A school district  
 30 or nonpublic school shall notify a student's parent or guardian  
 31 before withdrawing the privilege to use a bronchodilator  
 32 canister and spacer or an epinephrine auto-injector.

33 6. Information provided to the school under [subsection 2](#)  
 34 shall be kept on file in the office of the school nurse or, in  
 35 the absence of a school nurse, the school's administrator.

1 7. The Iowa braille and sight saving school, the Iowa school  
2 for the deaf, and the institutions under the control of the  
3 department of human services as provided in [section 218.1](#) are  
4 exempt from the provisions of [this section](#).

5 Sec. 2. Section 280.16A, Code 2021, is amended to read as  
6 follows:

7 **280.16A Epinephrine auto-injector or bronchodilator canister**  
8 **and spacer supply.**

9 1. For purposes of [this section](#), unless the context  
10 otherwise requires:

11 *a. "Bronchodilator"* means the same as defined in section  
12 280.16.

13 *b. "Bronchodilator canister"* means the same as defined in  
14 section 280.16.

15 ~~*c.*~~ *c. "Epinephrine auto-injector"* means the same as  
16 provided in [section 280.16](#).

17 ~~*d.*~~ *d. "Licensed health care professional"* means the same as  
18 provided in [section 280.16](#).

19 ~~*e.*~~ *e. "Personnel authorized to administer epinephrine or*  
20 *a bronchodilator"* means a school nurse or other employee of  
21 a school district or accredited nonpublic school trained and  
22 authorized to administer an epinephrine auto-injector or a  
23 broncholdilator canister and spacer.

24 *f. "School nurse"* means a person who holds an endorsement  
25 or a statement of professional recognition for school nurses  
26 issued by the board of educational examiners under chapter 272.

27 *g. "Spacer"* means the same as defined in section 280.16.

28 2. Notwithstanding any other provision of law to the  
29 contrary, a licensed health care professional may prescribe  
30 epinephrine auto-injectors and bronchodilator canisters  
31 and spacers in the name of a school district or accredited  
32 nonpublic school to be maintained for use as provided in this  
33 section.

34 3. The board of directors in charge of each school district  
35 and the authorities in charge of each accredited nonpublic

1 school may obtain a prescription for epinephrine auto-injectors  
2 and bronchodilator canisters and spacers and maintain a supply  
3 of such epinephrine auto-injectors and bronchodilator canisters  
4 and spacers in a secure location at each school for use as  
5 provided in [this section](#). The board and the authorities shall  
6 replace epinephrine auto-injectors and bronchodilator canisters  
7 and spacers in the supply upon use or expiration. Personnel  
8 authorized to administer epinephrine or a bronchodilator  
9 may possess and administer epinephrine auto-injectors or  
10 bronchodilator canisters and spacers, as applicable, from the  
11 supply as provided in [this section](#).

12 4. Personnel authorized to administer epinephrine or  
13 a bronchodilator may provide or administer an epinephrine  
14 auto-injector or a bronchodilator canister and spacer,  
15 as applicable, from the school's supply to a student or  
16 other individual if such personnel reasonably and in good  
17 faith believe the student or other individual is having an  
18 anaphylactic reaction or requires treatment for respiratory  
19 distress, asthma, or other airway constricting disease.

20 5. The following persons, provided they have acted  
21 reasonably and in good faith, shall not be liable for  
22 any injury arising from the provision, administration,  
23 or assistance in the administration of an epinephrine  
24 auto-injector or a bronchodilator canister and spacer as  
25 provided in [this section](#):

26 a. Any personnel authorized to administer epinephrine or  
27 a bronchodilator who, as applicable, provide, administer, or  
28 assist in the administration of an epinephrine auto-injector to  
29 a student or other individual present at the school who such  
30 personnel believe to be having an anaphylactic reaction or in  
31 the administration of a bronchodilator canister and spacer  
32 to a student or other individual present at the school who  
33 such personnel believe to require treatment for respiratory  
34 distress, asthma, or other airway constricting disease.

35 b. A school district or accredited nonpublic school

1 employing the personnel.

2 c. The board of directors in charge of the school district  
3 or authorities in charge of the accredited nonpublic school.

4 d. The prescriber of the epinephrine auto-injector or  
5 bronchodilator canister and spacer.

6 6. The department of education, the board of medicine,  
7 the board of nursing, and the board of pharmacy shall, in  
8 consultation with an organization representing school nurses,  
9 adopt rules pursuant to [chapter 17A](#) to implement and administer  
10 this section, including but not limited to standards and  
11 procedures for the prescription, distribution, storage,  
12 replacement, and administration of epinephrine auto-injectors  
13 and bronchodilator canisters and spacers, and for training  
14 and authorization to be required for personnel authorized to  
15 administer epinephrine or a bronchodilator.

16

EXPLANATION

17

The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

18

19 This bill relates to the self-administration, storage, and  
20 supply of bronchodilators and bronchodilator canisters and  
21 spacers relative to schools and students.

22 Current law provides for the self-administration by students  
23 of asthma or other airway constricting disease medication or  
24 epinephrine auto-injectors. The bill adds a bronchodilator  
25 specifically to the definition of "medication", adds  
26 respiratory distress as a condition that may be treated by the  
27 medication, and adds bronchodilator canisters and spacers to  
28 the list of devices that may be self-administered by students  
29 and stored relative to students and schools. The bill includes  
30 definitions of "bronchodilator", "bronchodilator canister", and  
31 "spacer".

32 The bill requires that the same conditions be met for the  
33 board of directors of a school district and the authorities  
34 in charge of an accredited nonpublic school to permit the  
35 self-administration of medication or the use of bronchodilator

1 canisters and spacers by a student as are currently required  
2 for the self-administration of medication or the use of  
3 an epinephrine auto-injector by a student. The bill also  
4 applies to a bronchodilator and bronchodilator canisters and  
5 spacers the same requirements for self-administration and  
6 use of medication or epinephrine auto-injectors relating to  
7 permissions, the requirements for the provision of written  
8 statements from licensed health care professionals, and the  
9 maintaining of information provided to the school.

10 The bill expands provisions authorizing a licensed health  
11 care professional to prescribe epinephrine auto-injectors  
12 in the name of a school district or accredited nonpublic  
13 school to be maintained for use at a school to also include  
14 bronchodilator canisters and spacers. The bill also  
15 expands current provisions allowing personnel authorized to  
16 administer epinephrine to provide or administer an epinephrine  
17 auto-injector from the school's supply to allow personnel  
18 authorized to administer a bronchodilator to provide or  
19 administer a bronchodilator canister and spacer from the  
20 school's supply, and provides liability protection for persons  
21 who act reasonably and in good faith. The bill expands the  
22 requirement that the department of education, the board of  
23 medicine, the board of nursing, and the board of pharmacy,  
24 in consultation with an organization representing school  
25 nurses, adopt rules pursuant to Code chapter 17A to implement  
26 and administer the bill relative to bronchodilators and  
27 bronchodilator canisters and spacers.