

House File 771 - Reprinted

HOUSE FILE 771
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 701)

(As Amended and Passed by the House March 10, 2021)

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 registered nurse holding current
25 licensure recognized by the board of nursing who practices in
26 the school setting to promote and protect the health of the
27 school population by using knowledge from the nursing, social,
28 and public health sciences.

29 *g. "Spacer"* means the same as defined in section [280.16](#).

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

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

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

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

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

1 distress, asthma, or other airway constricting disease.

2 *b.* A school district or accredited nonpublic school
3 employing the personnel.

4 *c.* The board of directors in charge of the school district
5 or authorities in charge of the accredited nonpublic school.

6 *d.* The prescriber of the epinephrine auto-injector or
7 bronchodilator canister and spacer.

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