HOUSE FILE 771
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 701)

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

[= New Language by the House

A BILL FOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The prescribed dosage.

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

c. The parent or guardian and the school meet the requirements of subsection 3.

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

epinephrine auto-injector by the student. A school district or accredited nonpublic school and its employees acting reasonably and in good faith shall incur no liability for any improper use of medication, a bronchodilator canister and spacer, or an epinephrine auto-injector as defined in this section or for supervising, monitoring, or interfering with a student's self-administration of medication, use of a bronchodilator canister and spacer, or use of an epinephrine auto-injector as defined in this section.

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

5. Provided that the requirements of this section are fulfilled, a student with respiratory distress, asthma, or other airway constricting disease may possess and use the student's medication and a student with a written statement from a licensed health care professional on file pursuant to subsection 2, paragraph "*a*", may use a bronchodilator canister and spacer or an epinephrine auto-injector while in school, at school-sponsored activities, under the supervision of school personnel, and before or after normal school activities, such as while in before-school or after-school care on school-operated property. If the student misuses this privilege, the privilege may be withdrawn. A school district or nonpublic school shall notify a student's parent or guardian before withdrawing the privilege to use a bronchodilator canister and spacer or an epinephrine auto-injector.

6. Information provided to the school under subsection 2 shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

7. The Iowa braille and sight saving school, the Iowa school for the deaf, and the institutions under the control of the department of human services as provided in section 218.1 are exempt from the provisions of this section.

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

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

1. For purposes of this section, unless the context otherwise requires:

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

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

~~*a.*~~ *c. "Epinephrine auto-injector"* means the same as provided in section 280.16.

~~*b.*~~ *d. "Licensed health care professional"* means the same as provided in section 280.16.

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

f. "School nurse" means a registered nurse holding current licensure recognized by the board of nursing who practices in the school setting to promote and protect the health of the school population by using knowledge from the nursing, social, and public health sciences.

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

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

3. The board of directors in charge of each school district and the authorities in charge of each accredited nonpublic school may obtain a prescription for epinephrine auto-injectors and bronchodilator canisters and spacers and maintain a supply of such epinephrine auto-injectors and bronchodilator canisters and spacers in a secure location at each school for use as provided in this section. The board and the authorities shall replace epinephrine auto-injectors and bronchodilator canisters and spacers in the supply upon use or expiration. Personnel authorized to administer epinephrine or a bronchodilator may possess and administer epinephrine auto-injectors or bronchodilator canisters and spacers, as applicable, from the supply as provided in this section.

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

5. The following persons, provided they have acted reasonably and in good faith, shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an epinephrine auto-injector or a bronchodilator canister and spacer as provided in this section:

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

distress, asthma, or other airway constricting disease.

b. A school district or accredited nonpublic school employing the personnel.

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

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

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