
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1084 Session of
2023

INTRODUCED BY HILL-EVANS, SANCHEZ, FREEMAN, ROZZI, KHAN, FLICK,
MADDEN, HOWARD, WARREN, GUENST, D. WILLIAMS, CIRESI, NEILSON
AND PARKER, MAY 2, 2023

REFERRED TO COMMITTEE ON EDUCATION, MAY 2, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school health services, providing
6 for school access to bronchodilators.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 1414.12. School Access to Bronchodilators.--(a) In
13 accordance with this section, a school entity may authorize a
14 school nurse or trained school employe to do any of the
15 following:

16 (1) Provide a bronchodilator that meets the prescription on
17 file for a student or the school entity to the student who is
18 authorized to self-administer the bronchodilator.

19 (2) Administer a bronchodilator that meets the prescription

1 on file for a student or the school entity to the student who
2 the school nurse or trained school employe believes in good
3 faith is experiencing an asthma episode or respiratory distress.

4 (b) Notwithstanding section 11 of the act of April 14, 1972
5 (P.L.233, No.64), known as "The Controlled Substance, Drug,
6 Device and Cosmetic Act," a physician or certified registered
7 nurse practitioner may prescribe a bronchodilator in the name of
8 the school entity for purposes specified under this section.

9 (c) A bronchodilator from the school entity's supply,
10 including a device or device component necessary to
11 appropriately administer the bronchodilator, shall be dispensed
12 from a licensed pharmacy or manufacturer.

13 (d) A school entity may, with a valid prescription under
14 subsection (b), accept a donated bronchodilator, including a
15 device or device component necessary to appropriately administer
16 the bronchodilator. The school entity may seek and apply for
17 funding, including Federal, State, local or private grants, to
18 purchase a bronchodilator, including a device or device
19 component necessary to properly administer the bronchodilator.

20 (e) A physician or certified registered nurse practitioner
21 may refill any used or expired prescription for a bronchodilator
22 in the name of a school entity. The school entity shall maintain
23 the prescription for the bronchodilator as deemed necessary by
24 the school entity for the purposes specified under this section.

25 (f) A school entity shall discard an expired bronchodilator
26 in accordance with the school entity's standard protocols and
27 the manufacturer's instructions.

28 (g) A school entity shall maintain a supply of
29 bronchodilators at a school in a secure, unlocked and easily
30 accessible location. The location shall be disclosed to a school

1 nurse and the trained employe that is designated to administer a
2 bronchodilator when the school nurse is not available.

3 (h) A school entity may designate no less than two
4 individuals, including a school nurse and trained employe, at
5 each school who shall be responsible for the storage and
6 administration of a bronchodilator. Each school shall appoint no
7 less than one trained school employe to administer the school
8 entity's supply of bronchodilators when the school nurse is not
9 available.

10 (i) A school nurse or trained employe who is responsible for
11 the storage and administration of a bronchodilator under
12 subsection (h) shall successfully complete an annual training
13 course on the administration of a bronchodilator as designated
14 by the Department of Health.

15 (j) The following shall apply to the administration of a
16 school entity's supply of bronchodilators:

17 (1) A bronchodilator that meets the prescription on file for
18 a student or the school entity may be provided to and used by
19 the student who is authorized to self-administer the
20 bronchodilator or may be administered to the student by a school
21 nurse or trained school employe.

22 (2) When a student has not been diagnosed with asthma and
23 does not have a bronchodilator or a prescription for a
24 bronchodilator on file, a school nurse or trained school employe
25 may use a bronchodilator to respond to the student's respiratory
26 distress under a standing protocol from a physician or certified
27 registered nurse practitioner in accordance with this section.

28 (3) When a student has been diagnosed with asthma and the
29 student's personal bronchodilator is empty or temporarily
30 unavailable, a school nurse or a trained school employe may

1 administer a bronchodilator to respond to the student's asthma
2 episode or respiratory distress if all of the following apply:

3 (i) The student's parent or guardian has provided written
4 permission to the school entity for the student to be
5 administered a bronchodilator during the school year. The
6 student's parent or guardian may include the written permission
7 with a written request under section 1414.1(c) (2).

8 (ii) The student's parent or guardian has signed a statement
9 relieving the school entity and the school entity's employes and
10 agents, including a physician or certified registered nurse
11 practitioner who prescribes a bronchodilator, of any liability,
12 except in the case of gross negligence, as a result of an injury
13 arising from the administration of a bronchodilator.

14 (iii) The school entity has informed the student's parent or
15 guardian, in writing, that the school entity and the school
16 entity's employes and agents, including a physician or certified
17 registered nurse practitioner who prescribes a bronchodilator,
18 will not incur any liability, except in the case of gross
19 negligence, as a result of injury arising from the
20 administration of a bronchodilator.

21 (iv) The school entity has informed the student's parent or
22 guardian, in writing, that a bronchodilator is not to be used as
23 a replacement for a student bringing a prescribed asthma
24 medication to school.

25 (4) A metered dose inhaler shall be used with a valved
26 holding chamber or disposable mouthpiece to mitigate the spread
27 of disease during the administration of a bronchodilator under
28 this section. After the use of a valved holding chamber, under
29 this clause, a school nurse or trained employe shall, as per
30 manufacturer instructions, dispose of the disposable mouthpiece

1 or sanitize the valved holding chamber.

2 (k) A school entity shall implement a reporting system to
3 notify a student's parent or guardian and health care
4 practitioner when a bronchodilator has been used by the student
5 at a school. The school entity may implement a recording system
6 to document each instance when a bronchodilator has been used by
7 a student and who administered the bronchodilator. If a
8 student's respiratory distress or asthma episode does not
9 improve, a school nurse or trained school employe shall contact
10 911 as soon as possible.

11 (l) The provisions of 42 Pa.C.S. §§ 8332 (relating to
12 emergency response provider and bystander good Samaritan civil
13 immunity) and 8337.1 (relating to civil immunity of school
14 officers or employees relating to emergency care, first aid and
15 rescue) shall apply to a school nurse or trained employe who
16 administers a bronchodilator and a physician or certified
17 registered nurse practitioner who prescribes a bronchodilator to
18 a school entity under this section.

19 (m) Administration of a bronchodilator under this section
20 shall comply with 29 U.S.C. § 794 (relating to nondiscrimination
21 under Federal grants and programs) and 22 Pa. Code Ch. 15
22 (relating to protected handicapped students).

23 (n) For purposes of this section, the following terms shall
24 have the following meanings:

25 "Asthma" means a chronic lung disease that inflames and
26 narrows the airways and causes recurring periods of wheezing,
27 chest tightness, shortness of breath and coughing. The term
28 includes reactive airway disease.

29 "Bronchodilator" means a medication used for the quick relief
30 of asthma symptoms that dilates the airways and is recommended

1 by the National Heart, Lung and Blood Institute's National
2 Asthma Education and Prevention Program Guidelines for the
3 Treatment of Asthma 2007 (EPR-3), including the 2020 Focused
4 Updates to Asthma Management Guidelines (December 2020). The
5 term includes an inhaled medication that contains a premeasured
6 single dose of albuterol or albuterol sulfate or by a pressured
7 metered dose inhaler with a valved holding chamber to treat
8 respiratory distress or asthma symptoms.

9 "Respiratory distress" means the perceived or actual presence
10 of wheezing, coughing, shortness of breath, chest tightness,
11 breathing difficulty or any other symptoms consistent with
12 asthma.

13 "School entity" means a school district, intermediate unit,
14 charter school, cyber charter school, regional charter school or
15 area career and technical school.

16 "Trained school employe" means a school employe who has
17 successfully completed an annual training course on the storage
18 and administration of a bronchodilator under subsection (i).

19 Section 2. This act shall take effect in 60 days.