

SENATE BILL 817

By Lowe

AN ACT to amend Tennessee Code Annotated, Title 49;  
Title 53; Title 63 and Title 68, relative to  
bronchodilator rescue inhalers.

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by  
adding the following as a new section:

(a) As used in this section:

(1) "Asthma" means a respiratory condition marked by coughing,  
wheezing, or shortness of breath often triggered by allergies, exercise, or  
irritants;

(2) "Authorized entity":

(A) Means an entity that may, at any time, have allergens present  
that are capable of causing a severe allergic reaction; and

(B) Includes, but is not limited to, child care agencies licensed by  
the department of human services; residential child care licensed by the  
department of children's services pursuant to title 37, chapter 5, part 5;  
restaurants; recreation camps; youth sports leagues; theme parks and  
resorts; and sports arenas;

(3) "Bronchodilator rescue inhaler" means medication used to relieve  
asthma symptoms or respiratory distress along with devices and device  
components needed to appropriately administer the medication, including, but  
not limited to, disposable spacers; and

(4) "Healthcare practitioner" means a physician or other healthcare provider who has prescriptive authority.

(b) A healthcare practitioner may prescribe a bronchodilator rescue inhaler to be maintained for use in the name of an authorized entity in accordance with this section, under a standing protocol from the healthcare practitioner.

(c) A pharmacist may dispense a bronchodilator rescue inhaler pursuant to a prescription issued in the name of an authorized entity pursuant to subsection (b).

(d) An authorized entity that is prescribed and dispensed a bronchodilator rescue inhaler pursuant to this section, shall designate an employee of the authorized entity to maintain the bronchodilator rescue inhaler in an unlocked, secure location so that the bronchodilator rescue inhaler may be administered to a person believed to be experiencing asthma symptoms or respiratory distress in an emergency situation, under a standing protocol from the healthcare practitioner.

(e) A designated employee of an authorized entity that is prescribed a bronchodilator rescue inhaler pursuant to this section may administer the bronchodilator rescue inhaler to a person who is believed to be experiencing asthma symptoms or respiratory distress in an emergency situation and when a physician is not immediately available, under the standing protocol from the healthcare practitioner.

(f) If a person is injured or harmed due to the administration of a bronchodilator rescue inhaler to the person by a designated employee acting in accordance with this section:

(1) Then neither the designated employee nor the authorized entity are liable for the injury or harm unless the designated employee administered the bronchodilator rescue inhaler with an intentional disregard for the person's safety; and

(2) The prescribing healthcare practitioner is not liable for the injury unless the prescribing healthcare practitioner issued the prescription or standing protocol with intentional disregard for safety.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 50, Part 16, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Bronchodilator rescue inhaler" means medication used to relieve asthma symptoms or respiratory distress along with devices and device components needed to appropriately administer the medication, including, but not limited to, disposable spacers; and

(2) "Healthcare practitioner" means a physician or other healthcare provider who has prescriptive authority.

(b) Each school in an LEA and public charter school is encouraged to keep a bronchodilator rescue inhaler in a minimum of two (2) locations in the school, such as the school office, school nurse's office, or athletic office, so that a bronchodilator rescue inhaler may be administered to a student believed to be having asthma symptoms or in respiratory distress in an emergency situation, under a standing protocol from a prescribing healthcare practitioner. An LEA or public charter school electing to maintain bronchodilator rescue inhalers shall maintain them in a secure, unlocked, and accessible location.

(c) A school nurse or other trained school personnel may utilize the supply of a bronchodilator rescue inhaler maintained pursuant to this section, under a standing protocol from the prescribing healthcare prescriber.

(d) The state board of education, in consultation with the department of health, shall promulgate rules to develop clinical protocols for administering a bronchodilator

rescue inhaler. The rules must be promulgated in accordance with the uniform administrative procedures act, compiled in title 4, chapter 5.

(e) A school nurse, or other trained school personnel authorized to administer a bronchodilator rescue inhaler pursuant to this section, is not liable for any civil damages for ordinary negligence in acts or omissions resulting from the administration of a bronchodilator rescue inhaler to a student believed in good faith to be having life-threatening asthma symptoms or respiratory distress.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.