

House Bill 362

By: Representatives Clark of the 101<sup>st</sup>, Cooper of the 43<sup>rd</sup>, Fleming of the 121<sup>st</sup>, Coleman of the 97<sup>th</sup>, Carter of the 175<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to student health in elementary and secondary education, so as to  
3 authorize public and private schools to stock a supply of albuterol sulfate; to provide for  
4 definitions; to provide for requirements and reporting; to provide for arrangements with  
5 manufacturers; to provide for rules and regulations; to provide for local board of education  
6 policies authorizing school personnel to administer albuterol sulfate to students who are in  
7 perceived respiratory distress; to provide for information for school personnel; to provide for  
8 limited liability; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated,  
9 relating to pharmacists and pharmacies, so as to authorize licensed health practitioners to  
10 prescribe albuterol sulfate for schools; to authorize pharmacists to fill such prescriptions; to  
11 provide for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
15 relating to student health in elementary and secondary education, is amended by adding a  
16 new Code section to read as follows:

17 "20-2-776.3.

18 (a) As used in this Code section, the term:

19 (1) 'Albuterol sulfate' means an orally inhaled medication that contains a premeasured  
20 single dose of albuterol sulfate delivered by a nebulizer or compressor device or by a  
21 pressurized metered dose inhaler used to treat perceived respiratory distress including,  
22 but not limited to, wheezing, shortness of breath, and difficulty breathing.

23 (2) 'Licensed practitioner' means a physician licensed to practice medicine in this state,  
24 an advanced practice registered nurse acting pursuant to the authority of Code Section  
25 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of  
26 Code Section 43-34-103.

27 (b) A public or private school in this state may acquire and stock a supply of albuterol  
28 sulfate pursuant to a prescription issued in accordance with Code Section 26-4-116.3. A  
29 public or private school may designate an employee or agent trained in the possession and  
30 administration of albuterol sulfate to be responsible for the storage, maintenance, and  
31 distribution of the albuterol sulfate stocked by the school.

32 (c) Any school employee or agent of a public or private school who has completed training  
33 or received information pursuant to subsection (c) of Code Section 20-2-776.4 in  
34 recognizing the symptoms of respiratory distress and the correct method of administering  
35 the albuterol sulfate may:

36 (1) Provide albuterol sulfate to any student such employee or agent believes in good faith  
37 is experiencing a perceived respiratory distress for immediate self-administration; or

38 (2) Administer albuterol sulfate to any student such employee or agent believes in good  
39 faith is experiencing a perceived respiratory distress in accordance with a standing  
40 protocol from the prescribing licensed practitioner, regardless of whether the student has  
41 a prescription for albuterol sulfate.

42 (d) A public or private school may enter into arrangements with manufacturers of  
43 approved albuterol sulfate or third-party suppliers of albuterol sulfate to obtain the products  
44 free of charge or at fair market or reduced prices.

45 (e) No later than July 1, 2015, the State Board of Education, in consultation with the  
46 Department of Public Health, shall adopt regulations as necessary to implement the  
47 provisions of this Code section.

48 (f)(1) Any school personnel who in good faith administers or chooses not to administer  
49 albuterol sulfate to a student pursuant to this Code section shall be immune from civil  
50 liability for any act or omission to act related to the administration of albuterol sulfate,  
51 except that such immunity shall not apply to an act of willful or wanton misconduct.

52 (2) Any licensed practitioner who prescribes albuterol sulfate pursuant to Code Section  
53 26-4-116.3 for use by a school in accordance with this Code section shall be immune  
54 from civil liability for any act or omission to act related to the administration of such  
55 albuterol sulfate, except that such immunity shall not apply to an act of willful or wanton  
56 misconduct.

57 20-2-776.4.

58 (a) As used in this Code section, the term 'albuterol sulfate' means an orally inhaled  
59 medication that contains a premeasured single dose of albuterol sulfate delivered by a  
60 nebulizer or compressor device or by a pressurized metered dose inhaler used to treat  
61 perceived respiratory distress including, but not limited to, wheezing, shortness of breath,  
62 and difficulty breathing.

63 (b) Each local board of education shall adopt a policy authorizing school personnel to  
 64 administer albuterol sulfate, if available, to a student upon the occurrence of perceived  
 65 respiratory distress by the student, whether or not such student has a prescription for  
 66 albuterol sulfate.

67 (c) Each local board of education shall provide information to school personnel on how  
 68 to recognize the symptoms of respiratory distress and the correct method of administering  
 69 the albuterol sulfate.

70 (d) Any school personnel who in good faith administers or chooses not to administer  
 71 albuterol sulfate to a student pursuant to this Code section shall be immune from civil  
 72 liability for any act or omission to act related to the administration of albuterol sulfate,  
 73 except that such immunity shall not apply to an act of willful or wanton misconduct."

74 **SECTION 3.**

75 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and  
 76 pharmacies, is amended by adding a new Code section to read as follows:

77 "26-4-116.3.

78 (a) A physician licensed to practice medicine in this state, an advanced practice registered  
 79 nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant  
 80 acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may  
 81 prescribe albuterol sulfate in the name of a public or private school for use in accordance  
 82 with Code Section 20-2-776.3 and in accordance with protocol specified by such physician,  
 83 advanced practice registered nurse, or physician assistant.

84 (b) A pharmacist may dispense albuterol sulfate pursuant to a prescription issued in  
 85 accordance with subsection (a) of this Code section."

86 **SECTION 4.**

87 All laws and parts of laws in conflict with this Act are repealed.