

House Bill 362 (COMMITTEE SUBSTITUTE)

By: Representatives Clark of the 101st, Cooper of the 43rd, Fleming of the 121st, Coleman of the 97th, Carter of the 175th, 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 levalbuterol 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 levalbuterol sulfate to students who are
 7 in perceived respiratory distress; to provide for information for school personnel; to provide
 8 for limited liability; to amend Chapter 4 of Title 26 of the Official Code of Georgia
 9 Annotated, relating to pharmacists and pharmacies, so as to authorize licensed health
 10 practitioners to prescribe levalbuterol sulfate for schools; to authorize pharmacists to fill such
 11 prescriptions; to provide for related matters; to repeal conflicting laws; and for other
 12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

18 "20-2-776.3.

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

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

25 (2) 'Licensed practitioner' means a physician licensed to practice medicine in this state,
 26 an advanced practice registered nurse acting pursuant to the authority of Code Section

27 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of
 28 Code Section 43-34-103.

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

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

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

41 (2) Administer levalbuterol sulfate to any student such employee or agent believes in
 42 good faith is experiencing a perceived respiratory distress, regardless of whether the
 43 student has a prescription for levalbuterol sulfate.

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

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

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

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

59 20-2-776.4.

60 (a) As used in this Code section, the term 'levalbuterol sulfate' means an orally inhaled
 61 medication that contains a premeasured single dose of levalbuterol sulfate or albuterol
 62 sulfate delivered by a nebulizer or compressor device or by a pressurized metered dose

63 inhaler used to treat perceived respiratory distress including, but not limited to, wheezing,
64 shortness of breath, and difficulty breathing.

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

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

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

76 **SECTION 2.**

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

79 "26-4-116.3.

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

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

87 **SECTION 3.**

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