

**ADOPTED**

Representative Cooper of the 43<sup>rd</sup> offers the following amendment:

1 *Amend the House Committee on Health and Human Services substitute to SB 126 (LC 33*  
2 *6211S) by inserting after "purposes;" on line 3 the following:*

3 to authorize licensed health practitioners to prescribe levalbuterol sulfate for schools; to  
4 authorize pharmacists to fill such prescriptions;

5 *By inserting after "reports;" on line 7 the following:*

6 to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
7 Annotated, relating to student health in elementary and secondary education, so as to  
8 authorize public and private schools to stock a supply of levalbuterol sulfate; to provide for  
9 definitions; to provide for requirements and reporting; to provide for arrangements with  
10 manufacturers; to provide for rules and regulations;

11 *By inserting between lines 29 and 30 the following:*

12 **SECTION 1A.**

13 Said chapter is further amended by adding a new Code section to read as follows:

14 "26-4-116.3.

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

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

22 *By inserting between lines 108 and 109 the following:*

23 **SECTION 2A.**

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

27 "20-2-776.3.

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

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

34 (2) 'Licensed practitioner' means a physician licensed to practice medicine in this state,  
 35 an advanced practice registered nurse acting pursuant to the authority of Code Section  
 36 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of  
 37 Code Section 43-34-103.

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

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

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

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

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

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

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

63 (2) Any licensed practitioner who prescribes levalbuterol sulfate pursuant to Code  
 64 Section 26-4-116.3 for use by a school in accordance with this Code section shall be  
 65 immune from civil liability for any act or omission to act related to the administration of

66 such levalbuterol sulfate, except that such immunity shall not apply to an act of willful  
67 or wanton misconduct.

68 20-2-776.4.

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

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

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

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