

JAN 25 2023

A BILL FOR AN ACT

RELATING TO ASTHMA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that, according to the
2 department of health, more than one hundred ten thousand
3 residents are living with asthma and approximately one third of
4 those are children. The chronic respiratory disease occurs most
5 commonly among children eleven years of age and younger. Every
6 year, some five thousand people in Hawaii visit emergency rooms
7 due to asthma and another one thousand five hundred are
8 hospitalized. Infants and very young children make up the
9 majority of asthma-related medical emergencies and
10 hospitalizations. Every year, asthma costs the State
11 approximately \$4,200,000 in emergency room visits and
12 approximately \$14,000,000 in hospitalizations. Although the
13 asthma mortality rate has declined over the past ten years,
14 there was an average of twenty-two deaths per year from asthma
15 in Hawaii between 2013 and 2015.

16 Because asthma attacks can occur at any time and often
17 without warning, children with asthma should always have access



1 to medication that can quickly reverse the blockages in their
2 lungs. This life-saving medication, called a short-acting
3 bronchodilator, is easy to administer, inexpensive, and very
4 safe. Unfortunately, when children do not have asthma
5 medication, which can occur for a variety of reasons such as
6 forgetting it or not being able to afford it, schools have few
7 options. A parent may not be immediately accessible or close
8 enough to respond promptly. Even if they can, there is a delay
9 during which the asthma attack often gets worse and, in such
10 cases, the school will need to call 9-1-1. Doing so likely
11 leads to an ambulance transport cost and an emergency department
12 visit costing thousands more. These events take children out of
13 the classroom for days at a time and further impede their
14 learning. It also overtaxes emergency room resources with a
15 condition that could be solved quickly and efficiently if
16 bronchodilators had been available.

17 The purpose of this Act is to authorize the department of
18 education to stock bronchodilators for emergency use during
19 respiratory distress and authorize department employees to
20 volunteer to administer bronchodilators.



1 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Bronchodilators stock supply. A school may
5 maintain a stock supply of bronchodilators to be administered by
6 a school nurse or other authorized employees and agents
7 volunteering to administer to any student or individual as
8 needed for actual or perceived asthma episodes. A school that
9 intends to maintain a stock supply of bronchodilators and
10 spacers in a school setting or at related activities shall:

- 11 (1) Develop a protocol related to the training of school
12 employees, the maintenance and location of the
13 bronchodilators, and immediate and long-term follow up
14 to the administration of the medication, including
15 making a 9-1-1 emergency call;
- 16 (2) Ensure that the bronchodilator and spacer be
17 prescribed by a physician, advanced practice
18 registered nurse, or physician assistant. The school
19 shall be designated as the patient, and each
20 prescription for a bronchodilator shall be filled by a
21 licensed pharmacy or manufacturer. Schools may with a



1 valid prescription, accept donated bronchodilators,
2 devices, and device components and apply for grants to
3 purchase bronchodilators, devices, and device
4 components. An authorized licensed prescriber may
5 refill any used or expired prescriptions to be
6 maintained for use when deemed necessary. All expired
7 medication shall be discarded in accordance with
8 proper procedure;

9 (3) Only allow school nurses and authorized employees and
10 agents that have completed appropriate training, as
11 designated in the protocol, to administer the stock
12 bronchodilator;

13 (4) Store stock bronchodilators in a secure and easily
14 accessible location, but an unlocked location known to
15 the school nurse and all school staff designated to
16 administer the bronchodilator in the case of the
17 nurse's absence;

18 (5) Ensure that a school nurse or other authorized
19 employees and agents administer, in good faith, the
20 bronchodilator to any student or individual who is
21 experiencing a potential life-threatening asthma



1 episode, such as an asthma attack or asthmatic
2 symptoms; and
3 (6) Inform parents or guardians about the potential use of
4 the bronchodilator in a respiratory emergency. The
5 school shall make the protocol available upon
6 request."

7 SECTION 3. Section 302A-1164, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§302A-1164 Self-administration of medication by student**
10 **and emergency administration; self-testing and self-management**
11 **of diabetes by student; assistance with diabetes testing; blood**
12 **glucose monitoring by student; assistance with blood glucose**
13 **monitoring[+] and bronchodilators; permitted. (a) The**
14 department shall permit:

- 15 (1) The self-administration of:
- 16 (A) Medication by a student for asthma, anaphylaxis,
17 diabetes, or other potentially life-threatening
18 illnesses; and
- 19 (B) Blood glucose monitoring by a student; and
- 20 (2) Department employees and agents to volunteer to
21 administer:



S.B. NO. 1443

- 1 (A) Insulin or assist a student in administering
- 2 insulin via the insulin delivery system that the
- 3 student uses;
- 4 (B) Glucagon in an emergency situation to students
- 5 with diabetes;
- 6 (C) Auto-injectable epinephrine in an emergency
- 7 situation to students with anaphylaxis; ~~[or]~~
- 8 (D) Blood glucose monitoring or assist a student with
- 9 blood glucose monitoring~~[-]~~; or
- 10 (E) Emergency use of bronchodilators; provided that a
- 11 school may maintain a supply of bronchodilators
- 12 to be administered by a school nurse or other
- 13 authorized employees and agents for actual or
- 14 perceived asthma episodes pursuant to section
- 15 302A- .

16 (b) The student's parent or guardian shall provide the
17 department with:

- 18 (1) Written authorization for the self-administration of
- 19 medication or the emergency administration of glucagon
- 20 or auto-injectable epinephrine;
- 21 (2) In the case of self-administration of medication:



- 1 (A) Written certification from the student's
2 physician, advanced practice registered nurse, or
3 physician assistant stating that the student with
4 diabetes may perform the student's own blood
5 glucose checks, administer insulin through the
6 student's insulin delivery system, and otherwise
7 attend to the care and management of the
8 student's diabetes during any school-related
9 activity, and that the student may possess on the
10 student's person all necessary supplies and
11 equipment to perform the diabetes monitoring and
12 treatment activities, if applicable; and
- 13 (B) Written certification from the student's
14 physician, advanced practice registered nurse, or
15 physician assistant stating that the student:
- 16 (i) Has asthma, anaphylaxis, or another
17 potentially life-threatening illness; and
 - 18 (ii) Is capable of, and has been instructed in,
19 the proper method of self-administration of
20 medication or blood glucose monitoring; and



1 (3) In the case of administration of insulin or emergency
2 administration of glucagon to a student with diabetes,
3 blood glucose monitoring of a student, or auto-
4 injectable epinephrine to a student with anaphylaxis,
5 written certification from the student's physician,
6 advanced practice registered nurse, or physician
7 assistant stating that the student has medical orders
8 that insulin, glucagon, blood glucose monitoring, or
9 auto-injectable epinephrine may be administered by a
10 volunteer.

11 (c) The department shall inform the student's parent or
12 guardian in writing that the department and its employees or
13 agents shall not incur any liability as a result of any injury
14 arising from compliance with this section.

15 (d) The student's parent or guardian shall sign a
16 statement acknowledging that:

17 (1) The department and its employees or agents shall not
18 incur any liability as a result of any injury arising
19 from compliance with this section; and

20 (2) The parent or guardian shall indemnify and hold
21 harmless the department and its employees or agents



1 against any claims arising out of compliance with this
2 section.

3 (e) The permission shall be effective for the school year
4 for which it is granted and shall be renewed for each subsequent
5 school year upon the fulfillment of the requirements in this
6 section.

7 (f) Notwithstanding any other law to the contrary, a
8 student who is permitted to self-administer medication under
9 this section shall be permitted to carry an inhaler or
10 auto-injectable epinephrine, or both, at all times if the
11 student does not endanger the student's person or other persons
12 through the misuse of the inhaler; provided that the department,
13 its employees or agents may confiscate a student's medication,
14 inhaler, or auto-injectable epinephrine if the student's
15 self-administration of the medication exceeds the student's
16 prescribed dosage, or if the student endangers others with the
17 student's medication, inhaler, or auto-injectable epinephrine.

18 For the purposes of this section, the term "inhaler"
19 includes:

20 (1) Metered-dose, breath-actuated, and dry powder
21 inhalers; [~~and~~]



- 1 (2) Spacers and holding chambers[-]; and
2 (3) Bronchodilators, including any medication used for the
3 quick relief of asthma symptoms that dilates the
4 airways and is recommended by the National Heart, Lung
5 and Blood Institute's National Asthma Education and
6 Prevention Program Guidelines for the Treatment of
7 Asthma; provided that bronchodilators may include an
8 orally inhaled medication that contains a premeasured
9 single dose of albuterol or albuterol sulfate
10 delivered by a nebulizer (compressor device) or by a
11 metered dose inhaler used to treat respiratory
12 distress, including wheezing, shortness of breath, and
13 difficulty breathing or another dosage of a
14 bronchodilator recommended in the Guidelines for the
15 Treatment of Asthma.

16
17 (g) Any employee or agent who volunteers to administer
18 insulin or glucagon in an emergency situation to a student with
19 diabetes or auto-injectable epinephrine to a student with
20 anaphylaxis or who volunteers to administer or assist a student
21 with blood glucose monitoring shall receive instruction in the



1 proper administration of insulin, glucagon, auto-injectable
2 epinephrine, or blood glucose monitoring by a qualified health
3 care professional. A "qualified health care professional" means
4 a licensed physician, physician assistant, advanced practice
5 registered nurse or registered nurse, or certified diabetes
6 educator. The student's parent or guardian shall supply the
7 school with the glucagon kit required to administer the
8 glucagon, any supplies necessary to administer insulin, blood
9 glucose monitoring, or with auto-injectable epinephrine supplies
10 to administer epinephrine. The school shall store the glucagon
11 kit, insulin supplies, blood glucose monitoring supplies, or
12 auto-injectable epinephrine supplies in a secure but accessible
13 location.

14 (h) Any employee or agent who volunteers to administer a
15 bronchodilator in an emergency situation shall receive
16 instruction in the proper administration of bronchodilators and
17 use of spacers by a qualified health care professional. The
18 training shall include causes of asthma exacerbation,
19 recognition of signs and symptoms of asthma attacks, indications
20 for the administration of bronchodilators, the administration
21 technique, and the need for immediate access to a certified



1 emergency responder. Training shall be provided by a school
 2 nurse, certified emergency responder, other health care
 3 professional, or appropriate online training.

4 ~~[(h)]~~ (i) Any person, school district, or school and its
 5 employees and agents, including the prescribing physician and
 6 pharmacy filling the prescription, except for a qualified health
 7 care professional providing the training required in [~~subsection~~
 8 ~~(g),~~] subsections (g) and (h), who acts in accordance with the
 9 requirements of this section shall be immune from any civil or
 10 criminal liability arising from these acts, except where the
 11 person's conduct would constitute gross negligence, wilful and
 12 wanton misconduct, or intentional misconduct."

13 SECTION 4. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

16

INTRODUCED BY:


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S.B. NO. 1443

Report Title:

DOE; Asthma; Bronchodilators; Emergency Use

Description:

Authorizes the department of education to stock bronchodilators for emergency use during respiratory distress and authorize department employees to volunteer to administer bronchodilators.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

