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# 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 or not being able to afford the medication, schools  
7 have few options. A parent may not be immediately accessible or  
8 close enough to respond promptly. Even if they can, there is a  
9 delay during which the asthma attack often gets worse and, in  
10 such 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) Follow the department's protocol related to the  
12 training of the department's employees and agents, the  
13 maintenance and location of the bronchodilators, and  
14 immediate and long-term follow up to the  
15 administration of the medication, including making a  
16 9-1-1 emergency call;

17 (2) Ensure that the bronchodilator and spacer be  
18 prescribed by a physician, advanced practice  
19 registered nurse, or physician assistant. The school  
20 shall be designated as the patient, and each  
21 prescription for a bronchodilator shall be filled by a



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

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

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

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



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

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

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

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



- 1           (2) Department employees and agents to volunteer to  
2           administer:
- 3           (A) Insulin or assist a student in administering  
4           insulin via the insulin delivery system that the  
5           student uses;
- 6           (B) Glucagon in an emergency situation to students  
7           with diabetes;
- 8           (C) Auto-injectable epinephrine in an emergency  
9           situation to students with anaphylaxis; ~~[or]~~
- 10          (D) Blood glucose monitoring or assist a student with  
11          blood glucose monitoring~~[-]~~; or
- 12          (E) Emergency use of bronchodilators; provided that a  
13          school may maintain a supply of bronchodilators  
14          to be administered by a school nurse or other  
15          authorized employees and agents for actual or  
16          perceived asthma episodes pursuant to section  
17          302A- .
- 18          (b) The student's parent or guardian shall provide the  
19          department with:



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



- 1                   (ii) Is capable of, and has been instructed in,  
2                   the proper method of self-administration of  
3                   medication or blood glucose monitoring; and
- 4       (3) In the case of administration of insulin or emergency  
5       administration of glucagon to a student with diabetes,  
6       blood glucose monitoring of a student, or auto-  
7       injectable epinephrine to a student with anaphylaxis,  
8       written certification from the student's physician,  
9       advanced practice registered nurse, or physician  
10      assistant stating that the student has medical orders  
11      that insulin, glucagon, blood glucose monitoring, or  
12      auto-injectable epinephrine may be administered by a  
13      volunteer.
- 14      (c) The department shall inform the student's parent or  
15      guardian in writing that the department and its employees or  
16      agents shall not incur any liability as a result of any injury  
17      arising from compliance with this section.
- 18      (d) The student's parent or guardian shall sign a  
19      statement acknowledging that:



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

4 (2) The parent or guardian shall indemnify and hold  
5 harmless the department and its employees or agents  
6 against any claims arising out of compliance with this  
7 section.

8 (e) The permission shall be effective for the school year  
9 for which it is granted and shall be renewed for each subsequent  
10 school year upon the fulfillment of the requirements in this  
11 section.

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



1 prescribed dosage, or if the student endangers others with the  
2 student's medication, inhaler, or auto-injectable epinephrine.

3 For the purposes of this section, the term "inhaler"  
4 includes:

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



1 (g) Any employee or agent who volunteers to administer  
2 insulin or glucagon in an emergency situation to a student with  
3 diabetes or auto-injectable epinephrine to a student with  
4 anaphylaxis or who volunteers to administer or assist a student  
5 with blood glucose monitoring shall receive instruction in the  
6 proper administration of insulin, glucagon, auto-injectable  
7 epinephrine, or blood glucose monitoring by a qualified health  
8 care professional. A "qualified health care professional" means  
9 a licensed physician, physician assistant, advanced practice  
10 registered nurse or registered nurse, or certified diabetes  
11 educator. The student's parent or guardian shall supply the  
12 school with the glucagon kit required to administer the  
13 glucagon, any supplies necessary to administer insulin, blood  
14 glucose monitoring, or with auto-injectable epinephrine supplies  
15 to administer epinephrine. The school shall store the glucagon  
16 kit, insulin supplies, blood glucose monitoring supplies, or  
17 auto-injectable epinephrine supplies in a secure but accessible  
18 location.

19 (h) Any employee or agent who volunteers to administer a  
20 bronchodilator in an emergency situation shall receive  
21 instruction in the proper administration of bronchodilators and



1 use of spacers by a qualified health care professional. The  
2 training shall include causes of asthma exacerbation,  
3 recognition of signs and symptoms of asthma attacks, indications  
4 for the administration of bronchodilators, the administration  
5 technique, and the need for immediate access to a certified  
6 emergency responder. Training shall be provided by a school  
7 nurse, certified emergency responder, other health care  
8 professional, or appropriate online training.

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

18       SECTION 4. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20       SECTION 5. This Act shall take effect on June 30, 3000.



**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. Effective 6/30/3000. (HD1)

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