
A BILL FOR AN ACT

RELATING TO STUDENT HEALTH.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding two new sections to subpart C of part IV to be
3 appropriately designated and to read as follows:

4 "§302A-A Bronchodilators stock supply (a) A school, as
5 defined in section 302A-901, may maintain a stock supply of
6 bronchodilators to be administered by a school health assistant
7 or other authorized employee or agent who volunteers to
8 administer to any student as needed for actual or perceived
9 asthma episodes.

10 (b) The department shall develop a protocol, in
11 collaboration with the department of health, regarding the
12 maintenance and location of stock bronchodilators and spacers,
13 the training of the school employees and agents in accordance
14 with section 302A-B(d), parameters for the administration of the
15 stock supply of bronchodilators, and contingencies for immediate
16 and long-term follow-up to the administration of the medication,
17 including making an emergency 911 call.



1 (c) A school that intends to maintain a stock supply of
2 bronchodilators and spacers in a school setting or at related
3 activities shall:

4 (1) Follow the department's protocol regarding the
5 implementation of this section;

6 (2) Ensure that the bronchodilator be prescribed by a
7 physician, a physician assistant, an advanced practice
8 registered nurse, or other practitioner with
9 prescriptive authority; provided that:

10 (A) The prescription shall designate the school as
11 the patient, and each prescription for a
12 bronchodilator shall be dispensed by a licensed
13 pharmacist, pharmacy, or manufacturer;

14 (B) An authorized licensed prescriber may refill any
15 used or expired prescriptions to be maintained
16 for use when deemed necessary; and

17 (C) A school may, with a valid prescription, purchase
18 or accept short-acting bronchodilators and
19 components as donations or transfers; provided
20 further that the bronchodilators and components
21 are new, unexpired, manufacturer-sealed, not



1 subject to recall, unadulterated, and in
2 compliance with regulations promulgated by the
3 United States Food and Drug Administration;

4 (3) Allow only school health assistants and authorized
5 employees and agents who have completed appropriate
6 training, as designated by the department, to
7 administer the stock bronchodilator; and

8 (4) Inform parents or guardians about the potential use of
9 the bronchodilator in a respiratory emergency;
10 provided that the school shall make the protocols
11 available to parents and guardians upon request.

12 **"§302A-B Emergency administration of medication by**
13 **volunteer; assistance with diabetes testing, blood glucose**
14 **monitoring, and bronchodilators; permitted.** (a) Employees and
15 agents of a school, as defined in section 302A-901, including
16 school health assistants, who volunteer may administer
17 epinephrine, glucagon, seizure rescue medication, inhalers, and
18 stock bronchodilators to a student in emergency situations;
19 provided that the administration of medication meets the
20 requirements of this section.



1 (b) Employees and agents of a school, including school
2 health assistants, who volunteer may administer:

3 (1) Insulin or assist a student in administering insulin
4 via the insulin delivery system that the student uses;
5 and

6 (2) Blood glucose monitoring or assist a student with
7 blood glucose monitoring;
8 provided that the administration of insulin or blood glucose
9 monitoring meets the requirements of this section.

10 (c) In the case of the administration of emergency
11 medication prescribed to a specific student, including
12 epinephrine, glucagon, seizure rescue medication, and inhalers:

13 (1) The student's parent or guardian shall provide the
14 school with:

15 (A) A written request and authorization from the
16 parent or guardian for the administration of the
17 medication;

18 (B) Written medical orders for the medication from
19 the student's physician, advanced practice
20 registered nurse, physician assistant, or other
21 practitioner with prescriptive authority; and



- 1 (C) The supply of medication prescribed to the
2 student and any necessary devices or inhalers as
3 required for the requested emergency medication
4 administration;
- 5 (2) The permission shall be effective for the school year
6 for which the permission is granted and shall be
7 renewed for each subsequent school year upon the
8 fulfillment of the requirements in this section;
- 9 (3) The school may store the student's medication and
10 related supplies in a secure but accessible location;
11 and
- 12 (4) Any employee or agent who volunteers to administer the
13 medication shall receive instructions in the proper
14 administration of epinephrine, glucagon, seizure
15 rescue medication, or inhalers by a licensed
16 physician, a physician assistant, a registered nurse,
17 or an advanced practice registered nurse.
- 18 (d) In the case of the administration of stock
19 bronchodilators to a student pursuant to section 302A-A:



- 1 (1) The school shall inform parents or guardians within
2 each school year about the potential use of the stock
3 bronchodilator in a respiratory emergency;
- 4 (2) The administration of the stock bronchodilator shall
5 follow the department's protocol pursuant to section
6 302A-A, including indications, standard dosing,
7 disposition, and aftercare;
- 8 (3) Any employee or agent who volunteers to administer
9 stock bronchodilators in an emergency situation shall
10 receive instructions in the proper administration of
11 bronchodilators by a physician, a physician assistant,
12 a registered nurse, an advanced practice registered
13 nurse, or a pharmacist. The training shall include:
- 14 (A) Causes of asthma exacerbation;
- 15 (B) Recognition of signs and symptoms of asthma
16 attacks;
- 17 (C) Indications for the administration of
18 bronchodilators;
- 19 (D) The administration technique, including the use
20 of inhalers and spacers; and



1 (E) The need for immediate access to a certified
2 emergency responder; and

3 (4) The administration of stock bronchodilator by
4 authorized employees or agents pursuant to this
5 section shall not require or imply any diagnosis, or
6 be interpreted as the practice of medicine, nursing,
7 or other licensed professional activity.

8 (e) In the case of the administration of, or assistance in
9 the administration of, insulin or blood glucose monitoring to a
10 student:

11 (1) The student's parent or guardian shall provide the
12 school with:

13 (A) A written request and authorization from the
14 parent or guardian for the administration of
15 insulin or blood glucose monitoring;

16 (B) Written medical orders for the administration of
17 insulin or blood glucose monitoring from the
18 student's physician, advanced practice registered
19 nurse, physician assistant, or other practitioner
20 with prescriptive authority; and



- 1 (C) The supply of insulin prescribed to the student
2 and any supplies necessary to administer insulin
3 or blood glucose monitoring, as required for the
4 requested administration or assistance;
- 5 (2) The permission shall be effective for the school year
6 for which the permission is granted and shall be
7 renewed for each subsequent school year upon the
8 fulfillment of the requirements in this section;
- 9 (3) The school may store the student's medication and
10 related supplies in a secure but accessible location;
11 and
- 12 (4) Any employee or agent who volunteers to administer
13 insulin or blood glucose monitoring shall receive
14 instructions in the proper administration of insulin
15 or blood glucose monitoring by a licensed physician,
16 physician assistant, registered nurse, advanced
17 practice registered nurse, or certified diabetes
18 educator.
- 19 (f) The department shall permit its employees and agents
20 to volunteer to administer:



- 1 (1) Insulin or assist a student in administering insulin
- 2 via the insulin delivery system that the student uses;
- 3 (2) Glucagon in an emergency situation to students with
- 4 diabetes;
- 5 (3) Epinephrine in an emergency situation to students with
- 6 anaphylaxis;
- 7 (4) Blood glucose monitoring or assist a student with
- 8 blood glucose monitoring;
- 9 (5) Seizure rescue medication in an emergency situation to
- 10 students with epilepsy or other seizure disorders;
- 11 (6) An inhaler in an emergency situation to students with
- 12 asthma or other chronic lung disease; or
- 13 (7) A stock bronchodilator to a student in an emergency
- 14 situation for actual or perceived asthma episodes,
- 15 pursuant to section 302A-A.
- 16 (g) Except in the case of stock bronchodilators and the
- 17 provisions of subsection (d):
- 18 (1) The department or school shall inform the student's
- 19 parent or guardian in writing that the department or
- 20 school and its employees and agents shall not incur



1 any liability as a result of any injury arising from
2 compliance with this section; and
3 (2) The student's parent or guardian shall sign a
4 statement acknowledging that:
5 (A) The department or school and its employees and
6 agents shall not incur any liability as a result
7 of any injury arising from compliance with this
8 section; and
9 (B) The parent or guardian shall indemnify and hold
10 harmless the department or school and its
11 employees and agents against any claims arising
12 out of compliance with this section.
13 (h) Any school or person, including the health
14 professionals providing training to volunteers subject to this
15 section, the prescribing physician, physician assistant,
16 advanced practice registered nurse, or other practitioner with
17 prescriptive authority, and the pharmacist or pharmacy
18 dispensing the prescription, who acts in accordance with the
19 requirements of this section, shall be immune from any civil or
20 criminal liability arising from these acts, except where the



1 person's conduct would constitute gross negligence, wilful and
2 wanton misconduct, or intentional misconduct.

3 (i) For the purposes of this section:

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

15 "Epinephrine" includes any device available by prescription
16 that is designed to deliver a premeasured dose of epinephrine,
17 including auto-injection devices, nasal spray devices, or oral
18 formulation.

19 "Glucagon" includes any device available by prescription
20 that is designed to deliver a premeasured dose of glucagon or



1 dasiglucagon, including injection kits, auto-injection devices,
2 or nasal spray devices.

3 "Inhaler" includes:

4 (1) Metered-dose, breath-actuated, and dry powder
5 inhalers;

6 (2) Spacers and holding chambers; and

7 (3) Bronchodilators.

8 "Seizure rescue medication" includes any medication or
9 device prescribed for use in an emergency situation to stop a
10 seizure or prevent a seizure from becoming more severe, which is
11 delivered as a premeasured dose.

12 "Stock bronchodilators" means a supply of bronchodilators
13 maintained by a school pursuant to section 302A-A, to be
14 administered by authorized employees and agents for actual or
15 perceived asthma episodes."

16 SECTION 2. Section 302A-1164, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By amending its title and subsections (a) and (b) to
19 read:

20 **"§302A-1164 Self-administration of medication by student**
21 **[and emergency administration]; self-testing and self-management**



1 of diabetes by student; [~~assistance with diabetes testing;~~
2 blood glucose monitoring by student; [~~assistance with blood~~
3 ~~glucose monitoring;~~] permitted. (a) The department shall
4 permit[÷

5 ~~(1) The]~~ the self-administration of[÷

6 ~~(A) Medication]~~ medication by a student for asthma,
7 anaphylaxis, diabetes, or other potentially
8 life-threatening illnesses[÷] and

9 [~~(B) Blood]~~ blood glucose monitoring by a student[÷
10 and

11 ~~(2) Department employees and agents to volunteer to~~
12 ~~administer:~~

13 ~~(A) Insulin or assist a student in administering~~
14 ~~insulin via the insulin delivery system that the~~
15 ~~student uses;~~

16 ~~(B) Glucagon in an emergency situation to students~~
17 ~~with diabetes;~~

18 ~~(C) Auto-injectable epinephrine in an emergency~~
19 ~~situation to students with anaphylaxis; or~~

20 ~~(D) Blood glucose monitoring or assist a student with~~
21 ~~blood glucose monitoring].~~



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

3 (1) Written authorization from the parent or guardian for
4 the self-administration of medication [~~or the~~
5 ~~emergency administration of glucagon or auto-~~
6 ~~injectable epinephrine;~~] by the student;

7 (2) In the case of self-administration of medication[~~+~~
8 ~~(A) Written~~] or blood glucose monitoring by a student
9 with diabetes, written certification from the
10 student's physician, advanced practice registered
11 nurse, [~~or~~] physician assistant, or other
12 qualified health care provider stating that the
13 student with diabetes may perform the student's
14 own blood glucose checks, administer insulin
15 through the student's insulin delivery system,
16 and otherwise attend to the care and management
17 of the student's diabetes during any school-
18 related activity, and that the student may
19 possess on the student's person all necessary
20 supplies and equipment to perform the diabetes



1 monitoring and treatment activities, if
 2 applicable; and
 3 ~~[(B)]~~ (3) Written certification from the student's
 4 physician, advanced practice registered nurse, ~~[or]~~
 5 physician assistant, or other qualified health care
 6 provider stating that the student:
 7 ~~[(i)]~~ (A) Has asthma, anaphylaxis, diabetes, or
 8 another potentially life-threatening
 9 illness; and
 10 ~~[(ii)]~~ (B) Is capable of, and has been instructed in,
 11 the proper method of self-administration of
 12 medication or blood glucose monitoring~~;~~ ~~and~~
 13 ~~(3) In the case of administration of insulin or emergency~~
 14 ~~administration of glucagon to a student with diabetes,~~
 15 ~~blood glucose monitoring of a student, or auto-~~
 16 ~~injectable epinephrine to a student with anaphylaxis,~~
 17 ~~written certification from the student's physician,~~
 18 ~~advanced practice registered nurse, or physician~~
 19 ~~assistant stating that the student has medical orders~~
 20 ~~that insulin, glucagon, blood glucose monitoring, or~~



1 ~~auto-injectable epinephrine may be administered by a~~
2 ~~volunteer]."~~

3 2. By amending subsections (f) through (h) to read:

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

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

20 ~~(h)] Any person[, except for a qualified health care~~
21 ~~professional providing the training required in subsection (g),]~~



1 who acts in accordance with the requirements of this section
2 shall be immune from any civil or criminal liability arising
3 from these acts, except where the person's conduct would
4 constitute gross negligence, wilful and wanton misconduct, or
5 intentional misconduct."

6 SECTION 3. Section 328-16, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsection (a) to read:

9 "(a) A prescription drug shall be dispensed only if its
10 label bears the following:

11 (1) The name, business address, and telephone number of
12 the seller. The business address shall be the
13 physical location of the pharmacy or the dispensing
14 practitioner's office;

15 (2) Except as otherwise authorized for expedited partner
16 therapy in section 453-52 or an opioid antagonist in
17 section 461-11.8, the name of the person for whom the
18 drug was prescribed [~~or~~], the name of the owner of the
19 animal for which the drug was prescribed[+], or the
20 name of the school or institution for which a



- 1 bronchodilator is prescribed pursuant to section
2 302A-A;
- 3 (3) The serial number of the prescription;
- 4 (4) The date the prescription was prepared;
- 5 (5) The name of the practitioner if the seller is not the
6 practitioner;
- 7 (6) The name, strength, and quantity of the drug;
- 8 (7) The "use by" date for the drug, which shall be:
- 9 (A) The expiration date on the manufacturer's
10 container; or
- 11 (B) One year from the date the drug is dispensed,
12 whichever is earlier;
- 13 (8) The number of refills available, if any;
- 14 (9) In the case of the dispensing of an equivalent generic
15 drug product, the statement "same as (brand name of
16 the drug product prescribed or the referenced listed
17 drug name)", or words of similar meaning;
- 18 (10) In the case of the dispensing of an interchangeable
19 biological product, the statement "interchangeable
20 with (brand name of the biological product prescribed



1 or the referenced biological drug name)", or words of
2 similar meaning; and
3 (11) Specific directions for the drug's use; provided that
4 if the specific directions for use are too lengthy for
5 inclusion on the label, the notation "take according
6 to written instructions" may be used if separate
7 written instructions for use are actually issued with
8 the drug by the practitioner or the pharmacist, but in
9 no event shall the notation "take as directed",
10 referring to oral instructions, be considered
11 acceptable.

12 If any prescription for a drug does not indicate the number of
13 times it may be refilled, if any, the pharmacist shall not
14 refill that prescription unless subsequently authorized to do so
15 by the practitioner or pursuant to section 461-11.9. The act of
16 dispensing a prescription drug other than a professional sample
17 or medical oxygen contrary to this subsection shall be deemed to
18 be an act that results in a drug being misbranded while held for
19 sale."

20 2. By amending subsection (c) to read:



1 "(c) A prescription may be communicated in writing,
2 orally, or by electronic transmission, and shall include the
3 following information:

4 (1) The authorization of the practitioner noted as
5 follows:

6 (A) Written prescriptions shall include the original
7 signature of the practitioner;

8 (B) Oral prescriptions shall be promptly recorded by
9 the pharmacist or medical oxygen distributor and
10 shall include the practitioner's oral code
11 designation; and

12 (C) Electronic prescriptions shall be irrefutably
13 traceable to the prescribing practitioner by a
14 recognizable and unique practitioner identifier
15 such as:

16 (i) A bitmap or graphic image of the
17 prescriber's handwritten signature and the
18 prescriber's oral code designation (or
19 license number or other identifier if the
20 prescriber is an out-of-state practitioner);

21 (ii) An electronic signature;

- 1 (iii) A digital signature; or
- 2 (iv) By other means as approved by the director;
- 3 (2) The date of issuance;
- 4 (3) The practitioner's name, business telephone number,
- 5 and business address, unless the practitioner is
- 6 otherwise uniquely identified and the pharmacy or
- 7 medical oxygen distributor dispensing the prescription
- 8 has the prescriber's contact information on file
- 9 accessible within the dispensing area;
- 10 (4) The name, strength, and quantity of the drug to be
- 11 dispensed, and specific directions for the drug's use;
- 12 (5) Except as otherwise authorized for expedited partner
- 13 therapy in section 453-52 or for an opioid antagonist
- 14 in section 461-11.8, the name and address of the
- 15 person for whom the prescription was written [~~or~~], the
- 16 name of the owner of the animal for which the drug was
- 17 prescribed, or the name and address of the school or
- 18 institution for which a bronchodilator is prescribed
- 19 pursuant to section 302A-A, unless the pharmacy or
- 20 medical oxygen distributor dispensing the prescription



- 1 has the address on file accessible within the
2 dispensing area;
- 3 (6) The room number and route of administration, if the
4 patient is in an institutional facility; and
- 5 (7) The number of allowable refills, if the prescription
6 is refillable. If the number of refills authorized by
7 the practitioner is indicated using the terms "as
8 needed" or "prn", the prescription may be refilled up
9 to twelve months from the date the original
10 prescription was written. After the twelve-month
11 period, the "as needed" or "prn" prescription may be
12 refilled for a subsequent three-month period;
13 provided:
- 14 (A) The prescription is refilled only once during the
15 three-month period;
- 16 (B) The refill does not exceed a thirty-day supply of
17 the drug;
- 18 (C) The refill does not provide any amount of the
19 drug fifteen months beyond the date the original
20 prescription was written;



1 (D) In the case of medical oxygen, the duration of
2 therapy indicated on a certificate of medical
3 necessity shall supersede any limitations or
4 restrictions on refilling; and

5 (E) Subparagraphs (A) to (D) shall apply only to
6 pharmacies and medical oxygen distributors
7 practicing in the State."

8 SECTION 4. In codifying the new sections added by section
9 1 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Bronchodilators; Department of Education; Emergency Administration of Medication; Labeling Requirements; Prescriptions

Description:

Authorizes a school to maintain a stock supply of bronchodilators to be administered under certain conditions. Authorizes certain employees of a school and department personnel to administer certain medication in emergency situations, under certain conditions. Amends prescription drug labeling requirements to include certain information related to a school, if applicable. Effective 7/1/3000. (HD1)

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

