

JAN 17 2025

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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

"§302A-A Bronchodilators; stock supply. (a) A school may maintain a stock supply of bronchodilators to be administered by a school health assistant or an authorized employee or agent who volunteers to administer the medication to any student for an actual or perceived asthma episode.

(b) The department, in collaboration with the department of health, shall develop a protocol regarding the storage and usage of a stock supply of bronchodilators that shall include:

(1) Maintenance and location of stock bronchodilators and spacers;

(2) Training of the school's employees and agents in accordance with section 302A-B;

(3) Parameters for the administration of the stock supply of bronchodilators; and



1 (4) Contingencies for immediate and long-term follow up
2 regarding the administration of the medication,
3 including any "911" emergency communication made
4 during the administration.

5 The department shall make the protocol for the storage and
6 maintenance of a bronchodilator stock supply available upon
7 request.

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

11 (1) Follow the department's protocol established pursuant
12 to subsection (b);

13 (2) Ensure that the bronchodilator is prescribed by a
14 physician, advanced practice registered nurse,
15 physician assistant, or other practitioner with
16 prescriptive authority; provided that:

17 (A) The prescription shall designate the school as
18 the patient, and each prescription for a
19 bronchodilator shall be dispensed by a licensed
20 pharmacist, pharmacy, or manufacturer;



1 (B) An authorized licensed prescriber may refill any
2 used or expired prescriptions to be maintained
3 for use at the school when deemed necessary; and

4 (C) A school may, with a valid prescription, purchase
5 or accept short-acting bronchodilators and
6 components as donations or transfers; provided
7 further that the bronchodilators are new,
8 unexpired, manufacturer-sealed, not subject to
9 recall, unadulterated, and in compliance with
10 regulations promulgated by the United States Food
11 and Drug Administration;

12 (3) Only school health assistants and authorized employees
13 and agents who have completed appropriate training
14 shall administer the stock bronchodilator in
15 accordance with subsection (b); and

16 (4) Inform parents or guardians about the potential use of
17 a bronchodilator in a respiratory emergency.

18 (d) For the purposes of this section:

19 "Bronchodilator" has the same meaning as defined in section

20 302A-B.



1 "School" means any day care center, child care facility,
2 headstart program, preschool, kindergarten, or elementary or
3 secondary school, public or private, including any special
4 school for children in the State.

5 §302A-B Emergency administration of medication by a
6 volunteer; assistance with diabetes testing; assistance with
7 blood glucose monitoring; bronchodilators; permitted. (a)
8 Employees and agents of a school, including school health
9 assistants, may volunteer to administer epinephrine, glucagon,
10 seizure rescue medication, inhalers, and stock bronchodilators
11 to a student in an emergency situation; provided that the
12 administration of the medication meets the requirements in
13 accordance with subsection (c).

14 (b) Employees and agents of a school, including school
15 health assistants, may volunteer to administer:

16 (1) Insulin or assist a student in administering insulin
17 through an insulin delivery system that the student
18 uses; and

19 (2) Blood glucose monitoring or assist a student with
20 blood glucose monitoring;



1 provided that the administration of insulin or blood glucose
2 monitoring meets the requirements in accordance with subsection
3 (e).

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

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

9 (A) Written authorization from the parent or guardian
10 requesting the administration of the medication;

11 (B) Written medical orders for the medication from
12 the student's physician, advanced practice
13 registered nurse, physician assistant, or other
14 practitioner with prescriptive authority; and

15 (C) The supply of medication prescribed to the
16 student, and any necessary devices or inhalers,
17 as required for the requested emergency
18 medication administration;

19 (2) The authorization shall be effective for the school
20 year for which it is granted and shall be renewed for



1 each subsequent school year upon the fulfillment of
2 the requirements pursuant to this section;

3 (3) The school may store the student's medication and
4 related supplies in a secure and accessible location;
5 and

6 (4) Any employee or agent who volunteers to administer the
7 medication shall receive instruction in the proper
8 administration of epinephrine, glucagon, or inhalers
9 by a licensed physician, physician assistant,
10 registered nurse, or advanced practice registered
11 nurse.

12 (d) In the case of the administration of a bronchodilator
13 to a student using a bronchodilator from a stock supply
14 maintained by a school pursuant to section 302A-A:

15 (1) The school shall inform parents and guardians each
16 school year regarding the potential use of the stock
17 bronchodilator in a respiratory emergency;

18 (2) The administration of the stock bronchodilator shall
19 follow the department's protocol pursuant to section
20 302A-A(b), including indications, standard dosing,
21 disposition, and aftercare; and



1 (3) Any employee or agent who volunteers to administer
2 stock bronchodilators in an emergency situation shall
3 receive instruction in the proper administration of
4 bronchodilators by a physician, physician assistant,
5 registered nurse, advanced practice registered nurse,
6 or pharmacist. The training shall include:

7 (A) Causes of asthma exacerbation;

8 (B) Recognition of signs and symptoms of asthma
9 attacks;

10 (C) Indications for the administration of
11 bronchodilators;

12 (D) The administration technique, including the use
13 of inhalers and spacers; and

14 (E) The need for immediate access to a certified
15 emergency responder.

16 (e) In the case of the administration of, or assistance in
17 the administration of, insulin or blood glucose monitoring to a
18 student:

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



1 (A) Written authorization from the parent or guardian
2 requesting the administration of insulin or blood
3 glucose monitoring;

4 (B) Written medical orders for the administration of
5 insulin or blood glucose monitoring from the
6 student's physician, advanced practice registered
7 nurse, physician assistant, or other practitioner
8 with prescriptive authority; and

9 (C) The supply of insulin prescribed to the student
10 and any supplies necessary to administer insulin
11 or blood glucose monitoring, as required for the
12 requested administration or assistance;

13 (2) The written authorization shall be effective for the
14 school year for which it is granted and shall be
15 renewed for each subsequent school year upon the
16 fulfillment of the requirements pursuant to this
17 section;

18 (3) The school may store the student's medication and
19 related supplies in a secure and accessible location;
20 and



1 (4) Any employee or agent who volunteers to administer
2 insulin or blood glucose monitoring shall receive
3 instruction in the proper administration of insulin or
4 blood glucose monitoring by a licensed physician,
5 physician assistant, registered nurse, advanced
6 practice registered nurse, or certified diabetes
7 educator.

8 (f) The department shall authorize its employees and
9 agents to volunteer to administer:

10 (1) Insulin, or assist a student in administering insulin
11 through the insulin delivery system that the student
12 uses;

13 (2) Glucagon in an emergency situation to students with
14 diabetes;

15 (3) Epinephrine in an emergency situation to students with
16 anaphylaxis;

17 (4) Blood glucose monitoring, or assisting a student with
18 blood glucose monitoring;

19 (5) Seizure rescue medication in an emergency situation to
20 students with epilepsy or other seizure disorders;



(6) An inhaler in an emergency situation to students with asthma or other chronic lung diseases; and

(7) A stock bronchodilator to a student in an emergency situation for actual or perceived asthma episodes, pursuant to section 302A-A.

(g) Notwithstanding the provisions of subsection (d), in the case of stock bronchodilators:

(1) The department or school shall inform the student's parent or guardian in writing that the department or school and its employees and agents shall not incur any liability as a result of any injury arising from compliance with this section; and

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

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

(B) The parent or guardian shall indemnify and hold harmless the department or school and its



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

3 (h) Any school or person, including the health
4 professionals providing training to volunteers subject to this
5 section, the prescribing physician, physician assistant,
6 advanced practice registered nurse, or other practitioner with
7 prescriptive authority, and the pharmacist or pharmacy
8 dispensing the prescription, 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 (i) For the purposes of this section:

14 "Bronchodilator" means any medication used for the quick
15 relief of asthma symptoms that dilates the airways and is
16 recommended by the National Heart, Lung and Blood Institute's
17 National Asthma Education and Prevention Program guidelines for
18 the treatment of asthma. "Bronchodilator" includes an orally
19 inhaled medication that contains a premeasured single dose of
20 albuterol or albuterol sulfate delivered by a nebulizer
21 (compressor device) or by a metered dose inhaler used to treat



1 respiratory distress, including wheezing, shortness of breath,
2 and difficulty breathing, or another dosage of a bronchodilator
3 recommended in the guidelines for the treatment of asthma.

4 "Epinephrine" includes any device available by prescription
5 that is designed to deliver a premeasured dose of epinephrine,
6 including auto-injection devices, nasal spray devices, or oral
7 formulation.

8 "Glucagon" includes any device available by prescription
9 that is designed to deliver a premeasured dose of glucagon or
10 dasiglucagon, including injection kits, auto-injection devices,
11 or nasal spray devices.

12 "Inhaler" includes:

13 (1) Metered-dose, breath-actuated, and dry powder
14 inhalers;

15 (2) Spacers and holding chambers; and

16 (3) Bronchodilators.

17 "School" means any day care center, child care facility,
18 headstart program, preschool, kindergarten, or elementary or
19 secondary school, public or private, including any special
20 school for children in the State.



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

5 "Stock bronchodilators" means a supply of bronchodilators
6 maintained by a school pursuant to section 302A-A, to be
7 administered by authorized employees and agents for actual or
8 perceived asthma episodes."

9 SECTION 2. Section 302A-1164, Hawaii Revised Statutes, is
10 amended to read as follows:

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

17 (1) ~~[The self administration of:~~

18 ~~(A)]~~ Medication by a student for asthma, anaphylaxis,
19 diabetes, or other potentially life-threatening
20 illnesses; and

21 ~~(B)]~~ (2) Blood glucose monitoring by a student [~~÷ and~~

~~(2) Department employees and agents to volunteer to administer;~~

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

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

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

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

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

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

(2) In the case of self-administration of medication~~[+]~~, blood glucose monitoring, or both, by the student with diabetes,



1 ~~[(A) Written]~~ written certification from the student's
2 physician, advanced practice registered nurse,
3 ~~[or]~~ physician assistant, or other qualified
4 health care provider stating that the student
5 with diabetes may perform the student's own blood
6 glucose checks, administer insulin through the
7 student's insulin delivery system, and otherwise
8 attend to the care and management of the
9 student's diabetes during any school-related
10 activity, and that the student may possess on the
11 student's person all necessary supplies and
12 equipment to perform the diabetes monitoring and
13 treatment activities, if applicable; and

14 ~~[(B)]~~ (3) Written certification from the student's
15 physician, advanced practice registered nurse, or
16 physician assistant stating that the student:

17 ~~[(i)]~~ (A) Has asthma, anaphylaxis, diabetes, or
18 another potentially life-threatening illness; and

19 ~~[(ii)]~~ (B) Is capable of, and has been instructed
20 in, the proper method of self-administration of
21 medication or blood glucose monitoring~~[-and~~



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

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

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

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

(2) The parent or guardian shall indemnify and hold 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,~~ the medication, and any
11 devices necessary to perform the permitted self-administration
12 of medication, at all times if the student does not endanger the
13 student's person or other persons through the misuse of the
14 ~~[inhaler;~~ permitted medication or devices; provided that the
15 department~~[,~~ or its employees or agents may confiscate a
16 student's medication~~[, inhaler, or auto-injectable epinephrine]~~
17 or devices if the student's self-administration of the
18 medication exceeds the student's prescribed dosage, or if the
19 student endangers others with the student's medication~~[,~~
20 ~~inhaler, or auto-injectable epinephrine.]~~ or device.



1 ~~[For the purposes of this section, the term "inhaler"~~
2 ~~includes:~~

3 ~~(1) Metered dose, breath actuated, and dry powder~~
4 ~~inhalers; and~~

5 ~~(2) Spacers and holding chambers.~~

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



1 ~~auto-injectable epinephrine supplies in a secure but accessible~~
2 ~~location.~~

3 ~~(h)]~~ (g) Any person[, ~~except for a qualified health care~~
4 ~~professional providing the training required in subsection (g),]~~
5 who acts in accordance with the requirements of this section
6 shall be immune from any civil or criminal liability arising
7 from these acts, except where the person's conduct would
8 constitute gross negligence, wilful and wanton misconduct, or
9 intentional misconduct."

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

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

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

15 (1) The name, business address, and telephone number of
16 the seller. The business address shall be the
17 physical location of the pharmacy or the dispensing
18 practitioner's office;

19 (2) Except as otherwise authorized for expedited partner
20 therapy in section 453-52 or an opioid antagonist in
21 section 461-11.8, the name of the person for whom the



1 drug was prescribed or the name of the owner of the
2 animal for which the drug was prescribed[+], or the
3 name of the school or institution where a
4 bronchodilator is prescribed pursuant to section
5 302A-A;

6 (3) The serial number of the prescription;

7 (4) The date the prescription was prepared;

8 (5) The name of the practitioner if the seller is not the
9 practitioner;

10 (6) The name, strength, and quantity of the drug;

11 (7) The "use by" date for the drug, which shall be:

12 (A) The expiration date on the manufacturer's
13 container; or

14 (B) One year from the date the drug is dispensed,
15 whichever is earlier;

16 (8) The number of refills available, if any;

17 (9) In the case of the dispensing of an equivalent generic
18 drug product, the statement "same as (brand name of
19 the drug product prescribed or the referenced listed
20 drug name)", or words of similar meaning;



1 (10) In the case of the dispensing of an interchangeable
2 biological product, the statement "interchangeable
3 with (brand name of the biological product prescribed
4 or the referenced biological drug name)", or words of
5 similar meaning; and

6 (11) Specific directions for the drug's use; provided that
7 if the specific directions for use are too lengthy for
8 inclusion on the label, the notation "take according
9 to written instructions" may be used if separate
10 written instructions for use are actually issued with
11 the drug by the practitioner or the pharmacist, but in
12 no event shall the notation "take as directed",
13 referring to oral instructions, be considered
14 acceptable.

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



1 be an act that results in a drug being misbranded while held for
2 sale."

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

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

7 (1) The authorization of the practitioner noted as
8 follows:

9 (A) Written prescriptions shall include the original
10 signature of the practitioner;

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

15 (C) Electronic prescriptions shall be irrefutably
16 traceable to the prescribing practitioner by a
17 recognizable and unique practitioner identifier
18 such as:

19 (i) A bitmap or graphic image of the
20 prescriber's handwritten signature and the
21 prescriber's oral code designation (or



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



1 pursuant to section 302A-A, unless the pharmacy or
2 medical oxygen distributor dispensing the prescription
3 has the address on file accessible within the
4 dispensing area;

5 (6) The room number and route of administration, if the
6 patient is in an institutional facility; and

7 (7) The number of allowable refills, if the prescription
8 is refillable. If the number of refills authorized by
9 the practitioner is indicated using the terms "as
10 needed" or "prn", the prescription may be refilled up
11 to twelve months from the date the original
12 prescription was written. After the twelve-month
13 period, the "as needed" or "prn" prescription may be
14 refilled for a subsequent three-month period;
15 provided:

16 (A) The prescription is refilled only once during the
17 three-month period;

18 (B) The refill does not exceed a thirty-day supply of
19 the drug;



(C) The refill does not provide any amount of the drug fifteen months beyond the date the original prescription was written;

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

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

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

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

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: Michelle A. Johnson



S.B. NO. 531

Report Title:

DOE; Bronchodilators; Stock Supply; Medication Administration and Assistance; Protocol; Blood Glucose Monitoring; Diabetes Testing; Seizure Rescue Medication; Inhalers; Volunteers; School Health Assistants; Prescriptions

Description:

Establishes provisions for the storage and maintenance of a stock supply of bronchodilators at schools. Requires the Department of Education to establish a protocol for the storage, usage, and administration of bronchodilators. Establishes provisions regarding the administration of certain medications by a volunteer at Department of Education schools. Clarifies labeling requirements for bronchodilator prescriptions issued to the Department of Education for a stock supply of bronchodilators.

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

