
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 911. 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 public school
5 may maintain a stock supply of bronchodilators to be
6 administered by a school health aide or other authorized
7 employees and agents who volunteers to administer to any student
8 or individual as needed for actual or perceived asthma episodes.
9 A school that intends to maintain a stock supply of
10 bronchodilators and spacers in a school setting or at related
11 activities shall:

12 (1) Follow the department's protocol related to the
13 training of the department's employees and agents, the
14 maintenance and location of the bronchodilators, and
15 immediate and long-term follow up to the
16 administration of the medication, including making a
17 911 emergency call;

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



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

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

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

20 (5) Ensure that the department's protocols enable a school
21 health aide or other authorized employees and agents



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

9 SECTION 3. 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; blood**
 14 **glucose monitoring by student; assistance with blood glucose**
 15 **monitoring[+] and bronchodilators; permitted. (a) The**
 16 **department shall permit:**

- 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) 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 public school may maintain a supply of
14 bronchodilators to be administered by a school
15 health aide or other authorized employees and
16 agents for actual or perceived asthma episodes
17 pursuant to section 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] For the purposes of this subsection,
9 "qualified health care professional" means a licensed physician,
10 physician assistant, advanced practice registered nurse or
11 registered nurse, or certified diabetes educator. The student's
12 parent or guardian shall supply the school with the glucagon kit
13 required to administer the glucagon, any supplies necessary to
14 administer insulin, blood glucose monitoring, or with auto-
15 injectable epinephrine supplies to administer epinephrine. The
16 school shall store the glucagon kit, insulin supplies, blood
17 glucose monitoring supplies, or auto-injectable epinephrine
18 supplies in a secure but accessible 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. For the purposes of this subsection,
7 "qualified health care professional" means a licensed physician,
8 physician assistant, or advanced practice registered nurse or
9 registered nurse.

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

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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



Report Title:

DOE; Public Schools; 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. (HD2)

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