

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 214
SENATE BILL 1026

AN ACT

AMENDING SECTIONS 15-344 AND 36-2229, ARIZONA REVISED STATUTES; RELATING
TO EMERGENCY ADMINISTRATION OF MEDICINE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-344, Arizona Revised Statutes, is amended to
3 read:

4 15-344. Administration of prescription, patent or proprietary
5 medications by employees; civil immunity;
6 definition

7 A. ~~The~~ EACH school district governing board and ~~the~~ charter school
8 governing body shall establish policies and procedures governing the
9 administration of a prescription medication or a patent or proprietary
10 medication to students by employees. In the case of a minor student, such
11 administration shall only occur on the written request or authorization of
12 a parent or legal guardian, EXCEPT FOR AN EMERGENCY ADMINISTRATION
13 PURSUANT TO SECTION 15-157 OR 15-158 OR SECTION 15-341, SUBSECTION A,
14 PARAGRAPH 43.

15 B. ~~A~~ School ~~district~~ DISTRICTS, ~~a~~ charter ~~school~~ or SCHOOLS AND
16 employees of ~~a~~ school ~~district~~ DISTRICTS and ~~a~~ charter ~~school~~ SCHOOLS
17 are immune from civil liability for the consequences of the good faith
18 adoption and implementation of policies and procedures pursuant to this
19 section.

20 C. For the purposes of this section, "administration of a
21 prescription medication or a patent or proprietary medication" means the
22 giving of a single dose of medication or the giving of a treatment package
23 in its original container.

24 Sec. 2. Section 36-2229, Arizona Revised Statutes, is amended to
25 read:

26 36-2229. Emergency administration of inhalers; authorized
27 entities; training; immunity; definitions

28 A. A physician who is licensed pursuant to title 32, chapter 13 or
29 17 or a nurse practitioner who is licensed pursuant to title 32, chapter
30 15 may prescribe inhalers and spacers or holding chambers in the name of
31 an authorized entity for use in accordance with this section, and
32 pharmacists may dispense inhalers and spacers or holding chambers pursuant
33 to a prescription issued in the name of an authorized entity. A
34 prescription issued pursuant to this section is valid for two years.

35 B. An authorized entity may acquire and stock a supply of inhalers
36 and spacers or holding chambers pursuant to a prescription issued in
37 accordance with this section. The inhalers shall be stored in a location
38 that is readily accessible in an emergency and in accordance with the
39 inhaler's instructions for use. An authorized entity shall designate
40 employees or agents who have completed the training required by subsection
41 D of this section to be responsible for the storage, maintenance, control
42 and general oversight of the inhalers and spacers or holding chambers
43 acquired by the authorized entity.

1 C. If an employee or agent of an authorized entity or another
2 individual who has completed the training required by subsection D of this
3 section believes in good faith that an individual is experiencing
4 respiratory distress, the employee, agent or other individual may provide
5 and administer an inhaler to that individual or may provide an inhaler to
6 the parent, guardian or caregiver of that individual, for immediate
7 administration, regardless of whether the individual who is believed to be
8 experiencing respiratory distress has a prescription for an inhaler and
9 spacer or holding chamber or has previously been diagnosed with a
10 condition requiring an inhaler.

11 D. An employee, agent or other individual described in subsection B
12 or C of this section shall complete initial training for the use of
13 inhalers and, at least every two years thereafter, shall complete
14 subsequent training. The training shall be conducted by a nationally
15 recognized organization that is experienced in training laypersons in
16 emergency health treatment. Training may be conducted online or in person
17 and, at a minimum, shall cover:

- 18 1. How to recognize signs and symptoms of respiratory distress.
- 19 2. Standards and procedures for the storage and administration of
20 an inhaler.
- 21 3. Emergency follow-up procedures after the administration of an
22 inhaler.

23 E. The organization that conducts the training required by
24 subsection D of this section shall issue a certificate to each person who
25 successfully completes the training.

26 F. The administration of an inhaler pursuant to this section is not
27 the practice of medicine or any other profession that otherwise requires
28 licensure.

29 G. Physicians licensed pursuant to title 32, chapter 13 or 17 and
30 nurse practitioners licensed pursuant to title 32, chapter 15 who
31 prescribe an inhaler and spacer or holding chamber in the name of an
32 authorized entity, authorized entities and employees and agents of
33 authorized entities that provide or administer inhalers and organizations
34 that provide training pursuant to subsection D of this section are immune
35 from civil liability with respect to all decisions made and actions or
36 omissions taken that are based on good faith implementation of the
37 requirements of this section, except in cases of gross negligence, wilful
38 misconduct or intentional wrongdoing.

39 H. The immunity from civil liability provided in subsection G of
40 this section does not affect a manufacturer's product liability regarding
41 the design, manufacturing or instructions for use of an inhaler and spacer
42 or holding chamber.

- 1 I. An authorized entity may accept monetary donations to purchase
2 inhalers and spacers or holding chambers and may accept donations of
3 inhalers and spacers or holding chambers directly from the product
4 manufacturer.
- 5 J. For the purposes of this section:
- 6 1. "Authorized entity" means any entity or organization in
7 connection with or at which allergens capable of causing respiratory
8 distress symptoms may be present, including recreation camps, day care
9 facilities, PRIVATE SCHOOLS, PRESCHOOLS, youth sports leagues, amusement
10 parks, restaurants and sports arenas.
- 11 2. "Bronchodilator" means albuterol or another short-acting
12 bronchodilator that is approved by the United States food and drug
13 administration ~~for the treatment of~~ TO TREAT respiratory distress.
- 14 3. "Inhaler" means a device that delivers a bronchodilator to
15 alleviate symptoms of respiratory distress, that is manufactured in the
16 form of a metered-dose inhaler or dry-powder inhaler and that includes a
17 spacer or holding chamber that attaches to the inhaler to improve the
18 delivery of the bronchodilator.
- 19 4. "Respiratory distress" includes the perceived or actual presence
20 of coughing, wheezing or shortness of breath.

APPROVED BY THE GOVERNOR MAY 13, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2019.