

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

# 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.