

REFERENCE TITLE: schools; agents; inhalers; administration

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

## **SB 1339**

Introduced by  
Senator Carter

AN ACT

AMENDING SECTIONS 15-158, 15-189.04, 15-342 AND 36-2229, ARIZONA REVISED STATUTES; RELATING TO THE ADMINISTRATION OF INHALERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-158, Arizona Revised Statutes, is amended to  
3 read:

4 15-158. Emergency administration of inhalers by trained  
5 personnel; immunity; definitions

6 A. Pursuant to a standing order issued by the chief medical officer  
7 of a county health department, a physician licensed pursuant to title 32,  
8 chapter 13 or 17 or a nurse practitioner licensed pursuant to title 32,  
9 chapter 15, a nurse who is under contract with a school district or  
10 charter school or an employee OR AGENT of a school district or charter  
11 school who is trained in the administration of inhalers may administer or  
12 assist in the administration of an inhaler to a pupil or an adult whom the  
13 employee or contracted nurse believes in good faith to be exhibiting  
14 symptoms of respiratory distress while at school or at a school-sponsored  
15 activity. A school district or charter school may accept monetary  
16 donations for or apply for grants for the purchase of inhalers and spacers  
17 or holding chambers or may accept donations of inhalers and spacers or  
18 holding chambers directly from the product manufacturer.

19 B. Chief medical officers of county health departments, physicians  
20 licensed pursuant to title 32, chapter 13 or 17, nurse practitioners  
21 licensed pursuant to title 32, chapter 15, school districts, charter  
22 schools, employees of school districts and charter schools, AGENTS OF  
23 SCHOOL DISTRICTS AND CHARTER SCHOOLS and nurses who are under contract  
24 with a school district or charter school are immune from civil liability  
25 with respect to all decisions made and actions taken that are based on  
26 good faith implementation of the requirements of this section, except in  
27 cases of gross negligence, wilful misconduct or intentional wrongdoing.

28 C. For the purposes of this section:

29 1. "AGENT" MEANS A PERSON WHO IS AUTHORIZED TO ACT ON BEHALF OF THE  
30 SCHOOL DISTRICT OR CHARTER SCHOOL AND WHO IS TRAINED IN ADMINISTERING A  
31 BRONCHODILATOR TO A PERSON IN RESPIRATORY DISTRESS.

32 ~~1.~~ 2. "Bronchodilator" means albuterol or another short-acting  
33 bronchodilator that is approved by the United States food and drug  
34 administration ~~for the treatment of~~ TO TREAT respiratory distress.

35 ~~2.~~ 3. "Inhaler" means a device that delivers a bronchodilator to  
36 alleviate symptoms of respiratory distress, that is manufactured in the  
37 form of a metered-dose inhaler or dry-powder inhaler and that includes a  
38 spacer or holding chamber that attaches to the inhaler to improve the  
39 delivery of the bronchodilator.

40 ~~3.~~ 4. "Respiratory distress" includes the perceived or actual  
41 presence of coughing, wheezing or shortness of breath.



1 public purpose, provided the sale or lease of the property will not affect  
2 the normal operations of a school within the school district.

3 8. Annually budget and expend funds for membership in an  
4 association of school districts within this state.

5 9. Enter into leases or lease-purchase agreements for school  
6 buildings or grounds, or both, as lessor or as lessee, for periods of less  
7 than fifteen years subject to voter approval for construction of school  
8 buildings as prescribed in section 15-341, subsection A, paragraph 7.

9 10. Subject to chapter 16 of this title, sell school sites or enter  
10 into leases or lease-purchase agreements for school buildings and grounds,  
11 as lessor or as lessee, for a period of fifteen years or more, but not to  
12 exceed ninety-nine years, if authorized by a vote of the school district  
13 electors in an election called by the governing board as provided in  
14 section 15-491, except that authorization by the school district electors  
15 in an election is not required if one of the following requirements is  
16 met:

17 (a) The market value of the school property is less than ~~fifty~~  
18 ~~thousand dollars~~ \$50,000 or the property is procured through a renewable  
19 energy development agreement, an energy performance contract, which among  
20 other items includes a renewable energy power service agreement, or a  
21 simplified energy performance contract pursuant to section 15-213.01.

22 (b) The buildings and sites are completely funded with monies  
23 distributed by the school facilities board.

24 (c) The transaction involves the sale of improved or unimproved  
25 property pursuant to an agreement with the school facilities board in  
26 which the school district agrees to sell the improved or unimproved  
27 property and transfer the proceeds of the sale to the school facilities  
28 board in exchange for monies from the school facilities board for the  
29 acquisition of a more suitable school site. For a sale of property  
30 acquired by a school district prior to July 9, 1998, a school district  
31 shall transfer to the school facilities board that portion of the proceeds  
32 that equals the cost of the acquisition of a more suitable school site.  
33 If there are any remaining proceeds after the transfer of monies to the  
34 school facilities board, a school district shall only use those remaining  
35 proceeds for future land purchases approved by the school facilities  
36 board, or for capital improvements not funded by the school facilities  
37 board for any existing or future facility.

38 (d) The transaction involves the sale of improved or unimproved  
39 property pursuant to a formally adopted plan and the school district uses  
40 the proceeds of this sale to purchase other property that will be used for  
41 similar purposes as the property that was originally sold, provided that  
42 the sale proceeds of the improved or unimproved property are used within  
43 two years after the date of the original sale to purchase the replacement  
44 property. If the sale proceeds of the improved or unimproved property are  
45 not used within two years after the date of the original sale to purchase

1 replacement property, the sale proceeds shall be used towards payment of  
2 any outstanding bonded indebtedness. If any sale proceeds remain after  
3 paying for outstanding bonded indebtedness, or if the district has no  
4 outstanding bonded indebtedness, sale proceeds shall be used to reduce the  
5 district's primary tax levy. A school district shall not use this  
6 subdivision unless all of the following conditions exist:

7 (i) The school district is the sole owner of the improved or  
8 unimproved property that the school district intends to sell.

9 (ii) The school district did not purchase the improved or  
10 unimproved property that the school district intends to sell with monies  
11 that were distributed pursuant to chapter 16 of this title.

12 (iii) The transaction does not violate section 15-341,  
13 subsection G.

14 11. Review the decision of a teacher to promote a pupil to a grade  
15 or retain a pupil in a grade in a common school or to pass or fail a pupil  
16 in a course in high school. The pupil has the burden of proof to overturn  
17 the decision of a teacher to promote, retain, pass or fail the pupil. In  
18 order to sustain the burden of proof, the pupil shall demonstrate to the  
19 governing board that the pupil has mastered the academic standards adopted  
20 by the state board of education pursuant to sections 15-701 and 15-701.01.  
21 If the governing board overturns the decision of a teacher pursuant to  
22 this paragraph, the governing board shall adopt a written finding that the  
23 pupil has mastered the academic standards. Notwithstanding title 38,  
24 chapter 3, article 3.1, the governing board shall review the decision of a  
25 teacher to promote a pupil to a grade or retain a pupil in a grade in a  
26 common school or to pass or fail a pupil in a course in high school in  
27 executive session unless a parent or legal guardian of the pupil or the  
28 pupil, if emancipated, disagrees that the review should be conducted in  
29 executive session and then the review shall be conducted in an open  
30 meeting. If the review is conducted in executive session, the board shall  
31 notify the teacher of the date, time and place of the review and shall  
32 allow the teacher to be present at the review. If the teacher is not  
33 present at the review, the board shall consult with the teacher before  
34 making its decision. Any request, including the written request as  
35 provided in section 15-341, the written evidence presented at the review  
36 and the written record of the review, including the decision of the  
37 governing board to accept or reject the teacher's decision, shall be  
38 retained by the governing board as part of its permanent records.

39 12. Provide transportation or site transportation loading and  
40 unloading areas for any child or children if deemed for the best interest  
41 of the district, whether within or without the district, county or state.

42 13. Enter into intergovernmental agreements and contracts with  
43 school districts or other governing bodies as provided in section 11-952.  
44 Intergovernmental agreements and contracts between school districts or  
45 between a school district and other governing bodies as provided in

1 section 11-952 are exempt from competitive bidding under the procurement  
2 rules adopted by the state board of education pursuant to section 15-213.

3 14. Include in the curricula it prescribes for high schools in the  
4 school district career and technical education, vocational education and  
5 technology education programs and career and technical, vocational and  
6 technology program improvement services for the high schools, subject to  
7 approval by the state board of education. The governing board may  
8 contract for the provision of career and technical, vocational and  
9 technology education as provided in section 15-789.

10 15. Suspend a teacher or administrator from the teacher's or  
11 administrator's duties without pay for a period of time of not to exceed  
12 ten school days, if the board determines that suspension is warranted  
13 pursuant to section 15-341, subsection A, paragraphs 21 and 22.

14 16. Dedicate school property within an incorporated city or town to  
15 such city or town or within a county to that county for use as a public  
16 right-of-way if both of the following apply:

17 (a) Pursuant to an ordinance adopted by such city, town or county,  
18 there will be conferred upon the school district privileges and benefits  
19 that may include benefits related to zoning.

20 (b) The dedication will not affect the normal operation of any  
21 school within the district.

22 17. Enter into option agreements for the purchase of school sites.

23 18. Donate surplus or outdated learning materials, educational  
24 equipment and furnishings to nonprofit community organizations where the  
25 governing board determines that the anticipated cost of selling the  
26 learning materials, educational equipment or furnishings equals or exceeds  
27 the estimated market value of the materials.

28 19. Prescribe policies for the assessment of reasonable fees for  
29 students to use district-provided parking facilities. The fees are to be  
30 applied by the district solely against costs incurred in operating or  
31 securing the parking facilities. Any policy adopted by the governing  
32 board pursuant to this paragraph shall include a fee waiver provision in  
33 appropriate cases of need or economic hardship.

34 20. Establish alternative educational programs that are consistent  
35 with the laws of this state to educate pupils, including pupils who have  
36 been reassigned pursuant to section 15-841, subsection E or F.

37 21. Require a period of silence to be observed at the commencement  
38 of the first class of the day in the schools. If a governing board  
39 chooses to require a period of silence to be observed, the teacher in  
40 charge of the room in which the first class is held shall announce that a  
41 period of silence not to exceed one minute in duration will be observed  
42 for meditation, and during that time no activities shall take place and  
43 silence shall be maintained.

44 22. Require students to wear uniforms.

1           23. Exchange unimproved property or improved property, including  
2 school sites, where the governing board determines that the improved  
3 property is unnecessary for the continued operation of the school district  
4 without requesting authorization by a vote of the school district electors  
5 if the governing board determines that the exchange is necessary to  
6 protect the health, safety or welfare of pupils or when the governing  
7 board determines that the exchange is based on sound business principles  
8 for either:

9           (a) Unimproved or improved property of equal or greater value.

10           (b) Unimproved property that the owner contracts to improve if the  
11 value of the property ultimately received by the school district is of  
12 equal or greater value.

13           24. For common and high school pupils, assess reasonable fees for  
14 optional extracurricular activities and programs conducted when the common  
15 or high school is not in session, except that no fees shall be charged for  
16 pupils' access to or use of computers or related materials. For high  
17 school pupils, the governing board may assess reasonable fees for fine  
18 arts and vocational education courses and for optional services, equipment  
19 and materials offered to the pupils beyond those required to successfully  
20 complete the basic requirements of any other course, except that no fees  
21 shall be charged for pupils' access to or use of computers or related  
22 materials. Fees assessed pursuant to this paragraph shall be adopted at a  
23 public meeting after notice has been given to all parents of pupils  
24 enrolled at schools in the district and shall not exceed the actual costs  
25 of the activities, programs, services, equipment or materials. The  
26 governing board shall authorize principals to waive the assessment of all  
27 or part of a fee assessed pursuant to this paragraph if it creates an  
28 economic hardship for a pupil. For the purposes of this paragraph,  
29 "extracurricular activity" means any optional, noncredit, educational or  
30 recreational activity that supplements the education program of the  
31 school, whether offered before, during or after regular school hours.

32           25. Notwithstanding section 15-341, subsection A, paragraphs 7 and  
33 9, construct school buildings and purchase or lease school sites, without  
34 a vote of the school district electors, if the buildings and sites are  
35 totally funded from one or more of the following:

36           (a) Monies in the unrestricted capital outlay fund, except that the  
37 estimated cost shall not exceed ~~two hundred fifty thousand dollars~~  
38 \$250,000 for a district that utilizes section 15-949.

39           (b) Monies distributed from the school facilities board established  
40 by section 15-2001.

41           (c) Monies specifically donated for the purpose of constructing  
42 school buildings.

43 This paragraph shall not be construed to eliminate the requirement for an  
44 election to raise revenues for a capital outlay override pursuant to  
45 section 15-481 or a bond election pursuant to section 15-491.

1           26. Conduct a background investigation that includes a fingerprint  
2 check conducted pursuant to section 41-1750, subsection G for certificated  
3 personnel and personnel who are not paid employees of the school district,  
4 as a condition of employment. A school district may release the results  
5 of a background check to another school district for employment purposes.  
6 The school district may charge the costs of fingerprint checks to its  
7 fingerprinted employee, except that the school district may not charge the  
8 costs of fingerprint checks for personnel who are not paid employees of  
9 the school district.

10           27. Unless otherwise prohibited by law, sell advertising as follows:

11           (a) Advertisements shall be age appropriate and not contain  
12 promotion of any substance that is illegal for minors such as alcohol,  
13 tobacco and drugs or gambling. Advertisements shall comply with the state  
14 sex education policy of abstinence.

15           (b) Advertising approved by the governing board for the exterior of  
16 school buses may appear only on the sides of the bus in the following  
17 areas:

18           (i) The signs shall be below the seat level rub rail and not extend  
19 above the bottom of the side windows.

20           (ii) The signs shall be at least three inches from any required  
21 lettering, lamp, wheel well or reflector behind the service door or stop  
22 signal arm.

23           (iii) The signs shall not extend from the body of the bus so as to  
24 allow a handhold or present a danger to pedestrians.

25           (iv) The signs shall not interfere with the operation of any door  
26 or window.

27           (v) The signs shall not be placed on any emergency doors.

28           (c) The school district shall establish an advertisement fund that  
29 is composed of revenues from the sale of advertising. The monies in an  
30 advertisement fund are not subject to reversion.

31           28. Assess reasonable damage deposits to pupils in grades seven  
32 through twelve for the use of textbooks, musical instruments, band  
33 uniforms or other equipment required for academic courses. The governing  
34 board shall adopt policies on any damage deposits assessed pursuant to  
35 this paragraph at a public meeting called for this purpose after providing  
36 notice to all parents of pupils in grades seven through twelve in the  
37 school district. Principals of individual schools within the district may  
38 waive the damage deposit requirement for any textbook or other item if the  
39 payment of the damage deposit would create an economic hardship for the  
40 pupil. The school district shall return the full amount of the damage  
41 deposit for any textbook or other item if the pupil returns the textbook  
42 or other item in reasonably good condition within the time period  
43 prescribed by the governing board. For the purposes of this paragraph,  
44 "in reasonably good condition" means the textbook or other item is in the



1 same or a similar condition as it was when the pupil received it, plus  
2 ordinary wear and tear.

3 29. Notwithstanding section 15-1105, expend surplus monies in the  
4 civic center school fund for maintenance and operations or unrestricted  
5 capital outlay, if sufficient monies are available in the fund after  
6 meeting the needs of programs established pursuant to section 15-1105.

7 30. Notwithstanding section 15-1143, expend surplus monies in the  
8 community school program fund for maintenance and operations or  
9 unrestricted capital outlay, if sufficient monies are available in the  
10 fund after meeting the needs of programs established pursuant to section  
11 15-1142.

12 31. Adopt guidelines for standardization of the format of the school  
13 report cards required by section 15-746 for schools within the district.

14 32. Adopt policies that require parental notification when a law  
15 enforcement officer interviews a pupil on school grounds. Policies  
16 adopted pursuant to this paragraph shall not impede a peace officer from  
17 the performance of the peace officer's duties. If the school district  
18 governing board adopts a policy that requires parental notification:

19 (a) The policy may provide reasonable exceptions to the parental  
20 notification requirement.

21 (b) The policy shall set forth whether and under what circumstances  
22 a parent may be present when a law enforcement officer interviews the  
23 pupil, including reasonable exceptions to the circumstances under which a  
24 parent may be present when a law enforcement officer interviews the pupil,  
25 and shall specify a reasonable maximum time after a parent is notified  
26 that an interview of a pupil by a law enforcement officer may be delayed  
27 to allow the parent to be present.

28 33. Enter into voluntary partnerships with any party to finance with  
29 funds other than school district funds and cooperatively design school  
30 facilities that comply with the adequacy standards prescribed in section  
31 15-2011 and the square footage per pupil requirements pursuant to section  
32 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and  
33 location of any such school facility shall be submitted to the school  
34 facilities board for approval pursuant to section 15-2041, subsection 0.  
35 If the school facilities board approves the design plans and location of  
36 any such school facility, the party in partnership with the school  
37 district may cause to be constructed and the district may begin operating  
38 the school facility before monies are distributed from the school  
39 facilities board pursuant to section 15-2041. Monies distributed from the  
40 new school facilities fund to a school district in a partnership with  
41 another party to finance and design the school facility shall be paid to  
42 the school district pursuant to section 15-2041. The school district  
43 shall reimburse the party in partnership with the school district from the  
44 monies paid to the school district pursuant to section 15-2041, in  
45 accordance with the voluntary partnership agreement. Before the school

1 facilities board distributes any monies pursuant to this subsection, the  
2 school district shall demonstrate to the school facilities board that the  
3 facilities to be funded pursuant to section 15-2041, subsection 0 meet the  
4 minimum adequacy standards prescribed in section 15-2011. If the cost to  
5 construct the school facility exceeds the amount that the school district  
6 receives from the new school facilities fund, the partnership agreement  
7 between the school district and the other party shall specify that, except  
8 as otherwise provided by the other party, any such excess costs shall be  
9 the responsibility of the school district. The school district governing  
10 board shall adopt a resolution in a public meeting that an analysis has  
11 been conducted on the prospective effects of the decision to operate a new  
12 school with existing monies from the school district's maintenance and  
13 operations budget and how this decision may affect other schools in the  
14 school district. If a school district acquires land by donation at an  
15 appropriate school site approved by the school facilities board and a  
16 school facility is financed and built on the land pursuant to this  
17 paragraph, the school facilities board shall distribute an amount equal to  
18 twenty percent of the fair market value of the land that can be used for  
19 academic purposes. The school district shall place the monies in the  
20 unrestricted capital outlay fund and increase the unrestricted capital  
21 budget limit by the amount of the monies placed in the fund. Monies  
22 distributed under this paragraph shall be distributed from the new school  
23 facilities fund pursuant to section 15-2041. If a school district  
24 acquires land by donation at an appropriate school site approved by the  
25 school facilities board and a school facility is financed and built on the  
26 land pursuant to this paragraph, the school district shall not receive  
27 monies from the school facilities board for the donation of real property  
28 pursuant to section 15-2041, subsection F. It is unlawful for:

29 (a) A county, city or town to require as a condition of any land  
30 use approval that a landowner or landowners that entered into a  
31 partnership pursuant to this paragraph provide any contribution, donation  
32 or gift, other than a site donation, to a school district. This  
33 subdivision only applies to the property in the voluntary partnership  
34 agreement pursuant to this paragraph.

35 (b) A county, city or town to require as a condition of any land  
36 use approval that the landowner or landowners located within the  
37 geographic boundaries of the school subject to the voluntary partnership  
38 pursuant to this paragraph provide any donation or gift to the school  
39 district except as provided in the voluntary partnership agreement  
40 pursuant to this paragraph.

41 (c) A community facilities district established pursuant to title  
42 48, chapter 4, article 6 to be used for reimbursement of financing the  
43 construction of a school pursuant to this paragraph.

44 (d) A school district to enter into an agreement pursuant to this  
45 paragraph with any party other than a master planned community party. Any

1 land area consisting of at least three hundred twenty acres that is the  
2 subject of a development agreement with a county, city or town entered  
3 into pursuant to section 9-500.05 or 11-1101 shall be deemed to be a  
4 master planned community. For the purposes of this subdivision, "master  
5 planned community" means a land area consisting of at least three hundred  
6 twenty acres, which may be noncontiguous, that is the subject of a zoning  
7 ordinance approved by the governing body of the county, city or town in  
8 which the land is located that establishes the use of the land area as a  
9 planned area development or district, planned community development or  
10 district, planned unit development or district or other land use category  
11 or district that is recognized in the local ordinance of such county, city  
12 or town and that specifies the use of such land is for a master planned  
13 development.

14 34. Enter into an intergovernmental agreement with a presiding judge  
15 of the juvenile court to implement a law-related education program as  
16 defined in section 15-154. The presiding judge of the juvenile court may  
17 assign juvenile probation officers to participate in a law-related  
18 education program in any school district in the county. The cost of  
19 juvenile probation officers who participate in the program implemented  
20 pursuant to this paragraph shall be funded by the school district.

21 35. Offer to sell outdated learning materials, educational equipment  
22 or furnishings at a posted price commensurate with the value of the items  
23 to pupils who are currently enrolled in that school district before those  
24 materials are offered for public sale.

25 36. If the school district is a small school district as defined in  
26 section 15-901, and if permitted by federal law, opt out of federal grant  
27 opportunities if the governing board determines that the federal  
28 requirements impose unduly burdensome reporting requirements.

29 37. Prescribe and enforce policies and procedures for the emergency  
30 administration of inhalers by trained employees OR AGENTS of the school  
31 district and nurses who are under contract with the school district  
32 pursuant to section 15-158. FOR THE PURPOSES OF THIS PARAGRAPH, "AGENT"  
33 MEANS A PERSON WHO IS AUTHORIZED TO ACT ON BEHALF OF THE SCHOOL DISTRICT  
34 AND WHO IS TRAINED IN ADMINISTERING A BRONCHODILATOR TO A PERSON IN  
35 RESPIRATORY DISTRESS.

36 38. Develop policies and procedures to allow principals to budget  
37 for or assist with budgeting federal, state and local monies.

38 Sec. 4. Section 36-2229, Arizona Revised Statutes, is amended to  
39 read:

40 36-2229. Emergency administration of inhalers; authorized  
41 entities; training; immunity; definitions

42 A. A physician who is licensed pursuant to title 32, chapter 13 or  
43 17 or a nurse practitioner who is licensed pursuant to title 32, chapter  
44 15 may prescribe inhalers and spacers or holding chambers in the name of  
45 an authorized entity for use in accordance with this section, and

1 pharmacists may dispense inhalers and spacers or holding chambers pursuant  
2 to a prescription issued in the name of an authorized entity. A  
3 prescription issued pursuant to this section is valid for two years.

4 B. An authorized entity may acquire and stock a supply of inhalers  
5 and spacers or holding chambers pursuant to a prescription issued in  
6 accordance with this section. The inhalers shall be stored in a location  
7 that is readily accessible in an emergency and in accordance with the  
8 inhaler's instructions for use. An authorized entity shall designate  
9 employees or agents who have completed the training required by subsection  
10 D of this section to be responsible for the storage, maintenance, control  
11 and general oversight of the inhalers and spacers or holding chambers  
12 acquired by the authorized entity.

13 C. If an employee or agent of an authorized entity or another  
14 individual who has completed the training required by subsection D of this  
15 section believes in good faith that an individual is experiencing  
16 respiratory distress, the employee, agent or other individual may provide  
17 and administer an inhaler to that individual or may provide an inhaler to  
18 the parent, guardian or caregiver of that individual, for immediate  
19 administration, regardless of whether the individual who is believed to be  
20 experiencing respiratory distress has a prescription for an inhaler and  
21 spacer or holding chamber or has previously been diagnosed with a  
22 condition requiring an inhaler.

23 D. An employee, agent or other individual described in subsection B  
24 or C of this section shall complete initial training for the use of  
25 inhalers and, at least every two years thereafter, shall complete  
26 subsequent training. The training shall be conducted by a nationally  
27 recognized organization that is experienced in training laypersons in  
28 emergency health treatment. Training may be conducted online or in person  
29 and, at a minimum, shall cover:

30 1. How to recognize signs and symptoms of respiratory distress.

31 2. Standards and procedures for the storage and administration of  
32 an inhaler.

33 3. Emergency follow-up procedures after the administration of an  
34 inhaler.

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

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

41 G. Physicians licensed pursuant to title 32, chapter 13 or 17 and  
42 nurse practitioners licensed pursuant to title 32, chapter 15 who  
43 prescribe an inhaler and spacer or holding chamber in the name of an  
44 authorized entity, authorized entities and employees and agents of  
45 authorized entities that provide or administer inhalers and organizations

1 that provide training pursuant to subsection D of this section are immune  
2 from civil liability with respect to all decisions made and actions or  
3 omissions taken that are based on good faith implementation of the  
4 requirements of this section, except in cases of gross negligence, wilful  
5 misconduct or intentional wrongdoing.

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

10 I. An authorized entity may accept monetary donations to purchase  
11 inhalers and spacers or holding chambers and may accept donations of  
12 inhalers and spacers or holding chambers directly from the product  
13 manufacturer.

14 J. For the purposes of this section:

15 1. "AGENT" MEANS A PERSON WHO IS AUTHORIZED TO ACT ON BEHALF OF THE  
16 AUTHORIZED ENTITY AND WHO IS TRAINED IN ADMINISTERING A BRONCHODILATOR TO  
17 A PERSON IN RESPIRATORY DISTRESS.

18 ~~1.~~ 2. "Authorized entity" means any entity or organization in  
19 connection with or at which allergens capable of causing respiratory  
20 distress symptoms may be present, including recreation camps, day care  
21 facilities, PRIVATE SCHOOLS, PRESCHOOLS, youth sports leagues, amusement  
22 parks, restaurants and sports arenas.

23 ~~2.~~ 3. "Bronchodilator" means albuterol or another short-acting  
24 bronchodilator that is approved by the United States food and drug  
25 administration for the treatment of respiratory distress.

26 ~~3.~~ 4. "Inhaler" means a device that delivers a bronchodilator to  
27 alleviate symptoms of respiratory distress, that is manufactured in the  
28 form of a metered-dose inhaler or dry-powder inhaler and that includes a  
29 spacer or holding chamber that attaches to the inhaler to improve the  
30 delivery of the bronchodilator.

31 ~~4.~~ 5. "Respiratory distress" includes the perceived or actual  
32 presence of coughing, wheezing or shortness of breath.