

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jeffrey N. Roy*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the provision and administration of bronchodilators, spacers, and nebulizers in schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>1/2/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act relative to the provision and administration of bronchodilators, spacers, and nebulizers in schools.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1: "Administer" means the direct provision of a bronchodilator, spacer, or  
2 nebulizer to an individual.

3 "Asthma" means a chronic lung disease that inflames and narrows the airways. It causes  
4 recurring periods of wheezing, chest tightness, shortness of breath, and coughing. For the  
5 purpose of this subdivision, "asthma" also includes "reactive airway disease," commonly referred  
6 to as RAD.

7 "Bronchodilator" means any medication used for the quick relief of asthma symptoms  
8 that dilates the airways and is recommended by the National Heart, Lung, and Blood Institute's  
9 national asthma education and prevention program guidelines for the treatment of asthma, such  
10 bronchodilators may include an orally inhaled medication that contains a premeasured single  
11 dose of albuterol or albuterol sulfate delivered by a nebulizer (compressor device), or by a  
12 pressured metered dose inhaler used to treat respiratory distress, including, but not limited to,

13 wheezing, shortness of breath, and difficulty breathing, or another dosage of a bronchodilator  
14 recommended in the guidelines for the treatment of asthma.

15 "Designated unlicensed assistive personnel" means a school employee or agent of a  
16 school designated by the school nurse, who has completed approved training required to provide  
17 or administer bronchodilators, spacers, or nebulizers. Designated unlicensed assistive personnel  
18 shall complete an asthma training program prior to providing or administering a bronchodilator,  
19 spacer, or nebulizer made available by the school nurse and at least annually following  
20 completion of the initial asthma training program. Training shall be conducted in person and at a  
21 minimum shall address techniques on how to recognize symptoms of severe respiratory distress  
22 or asthma, and standards and procedures for the storage and administration of a bronchodilator  
23 with a spacer or nebulizer. The school nurse shall maintain a current list of those individuals who  
24 have successfully completed the asthma training program.

25 "Health care practitioner" means a person who is licensed to prescribe, administer, or  
26 distribute controlled drugs.

27 "Provide" means to supply a bronchodilator to an individual.

28 "School" means any public or private elementary, middle, junior or high school.

29 "School nurse" means a registered nurse (RN) licensed by the Massachusetts board of  
30 nursing employed by a school district or a school.

31 "Self-administration" means a student or other person's discretionary use of a  
32 bronchodilator, spacer, or nebulizer, whether provided by the student or by a school nurse or  
33 designated school personnel pursuant to this subdivision.

34 SECTION 2. A school board may authorize a school nurse who is employed by the  
35 school district and for whom the board is responsible to maintain a supply of asthma-related  
36 rescue medications at the school. The nurse shall determine the quantity of medication the school  
37 should maintain.

38 To obtain asthma rescue medications for a school district, a health care practitioner may  
39 prescribe bronchodilators, spacers, or nebulizers in the name of a school district for use in  
40 asthma emergency situations.

41 A pharmacist may dispense bronchodilators, spacers, or nebulizers pursuant to a  
42 prescription issued in the name of a school. A school, under the direction of the school nurse,  
43 may maintain a supply of bronchodilators, spacers, or nebulizers for use in accordance with this  
44 subdivision.

45 A school may enter into an agreement with a manufacturer of bronchodilators, spacers, or  
46 nebulizers, third-party suppliers of bronchodilators, spacers, or nebulizers, or health care offices  
47 to obtain bronchodilators, spacers, or nebulizers at no charge or at fair-market prices or at  
48 reduced prices. A school district may accept gifts, grants or donations from foundations,  
49 organizations, or private parties to purchase bronchodilators, spacers, or nebulizers.

50 A school that possesses and makes available a supply of bronchodilators, spacers, or  
51 nebulizers pursuant to this subdivision shall maintain an annual report summarizing the use of  
52 the bronchodilators, spacers, or nebulizers.

53 SECTION 3. A school nurse and designated unlicensed assistive personnel may  
54 administer or make available to self-administer a bronchodilator, spacer, or nebulizer to a student  
55 who has been diagnosed with asthma for use in emergency or other situations as determined by

56 the school nurse provided that: (a) The school has on file an asthma action plan for the student  
57 which shall be filed annually and updated as necessary with the school and includes an order  
58 from the student's health care provider to provide the student with an asthma rescue inhaler,  
59 including dosage information and permission for the student to use the school's stock in the event  
60 of an emergency; and (b) The student's parent/guardian has provided written permission to the  
61 school nurse to administer a bronchodilator, spacer, or nebulizer from the school's supply.

62 The school nurse shall notify the student's parent or legal guardian whenever a  
63 bronchodilator, spacer, or nebulizer from the emergency stockpile is administered to a student.  
64 The school nurse shall make the notification as soon as practicable in accordance with the  
65 contact information on file at the school.

66 SECTION 4. No later than 90 days following the effective date of this section, the  
67 department of education shall provide guidelines to all schools for the management of students  
68 with asthma. The guidelines shall include, but not be limited to, implementation of education and  
69 training for designated unlicensed assistive personnel on the management of students with  
70 asthma, including training related to the administration of a bronchodilator with a spacer or  
71 nebulizer, and procedures for responding to life-threatening respiratory distress.

72 SECTION 5. No school district, school district employee, member of a school board,  
73 school nurse, designated unlicensed assistive personnel, or agent or volunteer of a school district  
74 shall be liable in a suit for damages as a result of any act or omission related to a student's use of  
75 a bronchodilator, spacer, or nebulizer pursuant to this subdivision, except for damages caused by  
76 willful or wanton conduct or disregard of the requirements established in this subdivision.

77           The administration of a bronchodilator, spacer, or nebulizer in accordance with this  
78 subdivision shall be considered to be the administration of emergency medication in school. If  
79 delegated the task of administering a bronchodilator, spacer, or nebulizer by a school nurse, the  
80 designated unlicensed assistive personnel shall not require licensure as a health care provider.

81           This section shall not be construed to eliminate, limit, or reduce any other immunity or  
82 defense that may be available under state law.