

State Law Citation: [New Hampshire Statutes Chapter 200 Health and Sanitation](#)

Section. [200:53](#); [200:54](#); [200:55](#); [200:56](#); [200:57](#)

Bronchodilators, Spacers, and Nebulizers in Schools

Section 200:53 Definitions. –

In this subdivision:

- I. "Administer" means the direct provision of a bronchodilator, spacer, or nebulizer to an individual.
- II. "Asthma" means a chronic lung disease that inflames and narrows the airways. It causes recurring periods of wheezing, chest tightness, shortness of breath, and coughing. For the purpose of this subdivision, "asthma" also includes "reactive airway disease," commonly referred to as RAD.
- III. "Bronchodilator" means any medication used for the quick relief of asthma symptoms that dilates the airways and is recommended by the National Heart, Lung, and Blood Institute's national asthma education and prevention program guidelines for the treatment of asthma, such bronchodilators may include an orally inhaled medication that contains a premeasured single dose of albuterol or albuterol sulfate delivered by a nebulizer (compressor device), or by a pressured metered dose inhaler used to treat respiratory distress, including, but not limited to, wheezing, shortness of breath, and difficulty breathing, or another dosage of a bronchodilator recommended in the guidelines for the treatment of asthma.
- IV. "Designated unlicensed assistive personnel" means a school employee or agent of a school designated by the school nurse, who has completed the New Hampshire School Nurses' Association approved training required to provide or administer bronchodilators, spacers, or nebulizers. Designated unlicensed assistive personnel shall complete an asthma training program prior to providing or administering a bronchodilator, spacer, or nebulizer made available by the school nurse and at least annually following completion of the initial asthma training program. Such training shall be conducted by the school nurse based on resources provided by the New Hampshire School Nurses' Association, the National Association of School Nurses, and the American Lung Association. Training shall be conducted in person and at a minimum shall address techniques on how to recognize symptoms of severe respiratory distress or asthma, and standards and procedures for the storage and administration of a bronchodilator with a spacer or nebulizer. The school nurse shall maintain a current list of those individuals who have successfully completed the asthma training program.

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

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

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

VIII. "School nurse" means a registered nurse (RN) licensed by the New Hampshire board of nursing employed by a school district or a school.

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

Section 200:54 Supply of Bronchodilators, Spacers, or Nebulizers. –

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

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

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

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

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

Section 200:55 Administration of Bronchodilator, Spacer, or Nebulizer. –

I. A school nurse and designated unlicensed assistive personnel may administer or make available to self-administer a bronchodilator, spacer, or nebulizer to a student who has been diagnosed with asthma for use in emergency or other situations as determined by the school nurse provided that:

(a) The school has on file an asthma action plan for the student which shall be filed annually and updated as necessary with the school and includes an order from the student's health care provider to provide the student with an asthma rescue inhaler, including dosage

information and permission for the student to use the school's stock in the event of an emergency; and

(b) The student's parent/guardian has provided written permission to the school nurse to administer a bronchodilator, spacer, or nebulizer from the school's supply.

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

Section 200:56 Department of Education Guidance Provided to Schools. –

No later than 90 days following the effective date of this section, the department of education, in consultation with the New Hampshire School Nurses' Association and the American Lung Association, shall provide guidelines to all schools for the management of students with asthma. The guidelines shall include, but not be limited to, implementation of education and training for designated unlicensed assistive personnel on the management of students with asthma, including training related to the administration of a bronchodilator with a spacer or nebulizer, and procedures for responding to life-threatening respiratory distress.

Section 200:57 Immunity. –

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

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

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