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House Bill 39: Emergency Inhalers

SCHOOL LAW NEWSLETTER

Introduced February 4, 2015, [House Bill 39](#) allows school districts to procure inhalers for use in emergency situations. It also provides procedures for the maintenance and use of inhalers. The bill was passed in the House on March 18, 2015.

The bill allows schools to procure and maintain metered dose or dry powder inhalers for use in emergency situations. If a school district elects to do so, H.B. 7 requires that the district adopt a policy governing the maintenance and use of the inhalers. The superintendent must adopt the policy after consulting with a licensed health professional who is authorized to prescribe drugs. The policy must lay out procedures for the maintenance and use of the inhalers, including protocol that specifies definitive orders for inhalers, dosages to administer, employees who may access the inhalers, training requirements, emergency situations in which to use an inhaler, and storage conditions.

Reporting

Schools must report each use of an emergency inhaler to the Ohio Department of Education.

Donations and Sales of Inhalers

Under H.B. 7, school districts may receive donated inhalers from manufacturers. Districts may accept financial donations in order to purchase inhalers. The bill permits a registered wholesale distributor to sell inhalers to a school at wholesale.

Qualified Immunity

The bill gives schools that procure emergency inhalers with qualified civil immunity. The immunity extends to the school district, the employee, or a contractor of the school district. This immunity does not cover actions or omissions involving willful or wanton misconduct.

What You Need To Know

If your school district is interested in procuring emergency inhalers, then your district should look into House Bill 7 and its inhaler policy requirements. Your district should consult with legal counsel as needed to adopt a policy that conforms with the bill.

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