CHAPTER 58

HOUSE BILL 2208

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-158; AMENDING SECTIONS 15-189.04, 15-203 AND 15-342, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 21.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2229; RELATING TO THE ADMINISTRATION OF INHALERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 15, chapter 1, article 5, Arizona Revised Statutes, is amended by adding section 15-158, to read:

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

A. PURSUANT TO A STANDING ORDER ISSUED BY THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH DEPARTMENT, A PHYSICIAN LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR A NURSE PRACTITIONER LICENSED PURSUANT TO TITLE 32, CHAPTER 15, AN EMPLOYEE OF A SCHOOL DISTRICT OR CHARTER SCHOOL WHO IS TRAINED IN THE ADMINISTRATION OF INHALERS MAY ADMINISTER OR ASSIST IN THE ADMINISTRATION OF AN INHALER TO A PUPIL OR AN ADULT WHOM THE EMPLOYEE BELIEVES IN GOOD FAITH TO BE EXHIBITING SYMPTOMS OF RESPIRATORY DISTRESS WHILE AT SCHOOL OR AT A SCHOOL-SPONSORED ACTIVITY. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY ACCEPT MONETARY DONATIONS FOR OR APPLY FOR GRANTS FOR THE PURCHASE OF INHALERS AND SPACERS OR HOLDING CHAMBERS OR MAY ACCEPT DONATIONS OF INHALERS AND SPACERS OR HOLDING CHAMBERS DIRECTLY FROM THE PRODUCT MANUFACTURER.

B. CHIEF MEDICAL OFFICERS OF COUNTY HEALTH DEPARTMENTS, PHYSICIANS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17, NURSE PRACTITIONERS LICENSED PURSUANT TO TITLE 32, CHAPTER 15, SCHOOL DISTRICTS, CHARTER SCHOOLS AND EMPLOYEES OF SCHOOL DISTRICTS AND CHARTER SCHOOLS ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS TAKEN THAT ARE BASED ON GOOD FAITH IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION, EXCEPT IN CASES OF GROSS NEGLIGENCE, WILFUL MISCONDUCT OR INTENTIONAL WRONGDOING.

C. FOR THE PURPOSES OF THIS SECTION:

1. "BRONCHODILATOR" MEANS ALBUTEROL OR ANOTHER SHORT-ACTING BRONCHODILATOR THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF RESPIRATORY DISTRESS.

2. "INHALER" MEANS A DEVICE THAT DELIVERS A BRONCHODILATOR TO ALLEVIATE SYMPTOMS OF RESPIRATORY DISTRESS, THAT IS MANUFACTURED IN THE FORM OF A METERED-DOSE INHALER OR DRY-POWDER INHALER AND THAT INCLUDES A SPACER OR HOLDING CHAMBER THAT ATTACHES TO THE INHALER TO IMPROVE THE DELIVERY OF THE BRONCHODILATOR.

3. "RESPIRATORY DISTRESS" INCLUDES THE PERCEIVED OR ACTUAL PRESENCE OF COUGHING, WHEEZING OR SHORTNESS OF BREATH.

Sec. 2. Section 15-189.04, Arizona Revised Statutes, is amended to read:

15-189.04. Policies and procedures for the emergency administration of epinephrine and inhalers

The governing body of each charter school shall prescribe and enforce policies and procedures for the emergency administration of auto-injectable epinephrine AUTO-INJECTORS by a trained employee of the charter school pursuant to section 15-157 AND MAY PRESCRIBE AND ENFORCE
POLICIES AND PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF INHALERS BY A TRAINED EMPLOYEE OF THE CHARTER SCHOOL PURSUANT TO SECTION 15-158.

Sec. 3. Section 15-203, Arizona Revised Statutes, is amended to read:

15-203. Powers and duties
A. The state board of education shall:
1. Exercise general supervision over and regulate the conduct of the public school system and adopt any rules and policies it deems necessary to accomplish this purpose.
2. Keep a record of its proceedings.
4. Determine the policy and work undertaken by it.
5. Subject to title 41, chapter 4, article 4, employ staff.
6. Prescribe and supervise the duties of its employees pursuant to title 41, chapter 4, article 4, if not otherwise prescribed by statute.
7. Delegate to the superintendent of public instruction the execution of board policies and rules.
8. Recommend to the legislature changes or additions to the statutes pertaining to schools.
9. Prepare, publish and distribute reports concerning the educational welfare of this state.
10. Prepare a budget for expenditures necessary for proper maintenance of the board and accomplishment of its purposes and present the budget to the legislature.
11. Aid in the enforcement of laws relating to schools.
12. Prescribe a minimum course of study in the common schools, minimum competency requirements for the promotion of pupils from the third grade and minimum course of study and competency requirements for the promotion of pupils from the eighth grade. The state board of education shall prepare a fiscal impact statement of any proposed changes to the minimum course of study or competency requirements and, on completion, shall send a copy to the director of the joint legislative budget committee and the executive director of the school facilities board. The state board of education shall not adopt any changes in the minimum course of study or competency requirements in effect on July 1, 1998 that will have a fiscal impact on school capital costs.
13. Prescribe minimum course of study and competency requirements for the graduation of pupils from high school. The state board of education shall prepare a fiscal impact statement of any proposed changes to the minimum course of study or competency requirements and, on completion, shall send a copy to the director of the joint legislative budget committee and the executive director of the school facilities board. The state board of education shall not adopt any changes in the minimum course of study or competency requirements in effect on July 1, 1998 that will have a fiscal impact on school capital costs.
14. Supervise and control the certification of persons engaged in instructional work directly as any classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist, principal or superintendent in a school district, including school district preschool programs, or any other educational institution below the community college, college or university level, and prescribe rules for certification, including rules for certification of teachers who have teaching experience and who are trained in other states, that are not unnecessarily restrictive and are substantially similar to the rules prescribed for the certification of teachers trained in this state. The rules:

(a) Shall allow a variety of alternative teacher and administrator preparation programs, with variations in program sequence and design, to apply for program approval. The state board shall adopt rules pursuant to this subdivision designed to allow for a variety of formats and shall not require a prescribed answer or design from the program provider in order to obtain approval from the state board. The state board shall evaluate each program provider based on the program's ability to prepare teachers and administrators and to recruit teachers and administrators with a variety of experiences and talents. The state board shall permit universities under the jurisdiction of the Arizona board of regents, community colleges in this state, private postsecondary institutions licensed by this state, school districts, charter schools and professional organizations to apply for program approval and shall create application procedures and certification criteria that are less restrictive than those for traditional preparation programs. Alternative preparation program graduates shall:

(i) Hold a bachelor's degree from an accredited postsecondary education institution.

(ii) Demonstrate professional knowledge and subject knowledge proficiency pursuant to section 15-533.

(iii) Obtain a fingerprint clearance card pursuant to section 15-534.

(iv) Complete training in structured English immersion as prescribed by the state board.

(v) Complete training in research-based systematic phonics instruction as prescribed in subdivision (b) of this paragraph.

(vi) Demonstrate the required proficiency in the Constitutions of the United States and Arizona as prescribed in section 15-532.

(b) Shall require applicants for all certificates for common school instruction to complete a minimum of forty-five classroom hours or three college level credit hours, or the equivalent, of training in research-based systematic phonics instruction from a public or private provider.
(c) Shall not require a teacher to obtain a master's degree or to take any additional graduate courses as a condition of certification or recertification.

(d) Shall allow a general equivalency diploma to be substituted for a high school diploma in the certification of emergency substitute teachers.

(e) Shall allow but shall not require the superintendent of a school district to obtain certification from the state board of education.

(f) Shall provide for the issuance of a specialized teaching certificate to classroom teachers with expertise in either science, technology, engineering or mathematics. Teachers who are certified pursuant to this subdivision shall complete training in structured English immersion as prescribed by the state board. Teachers who are certified pursuant to this subdivision are exempt from the professional knowledge and subject knowledge proficiency requirements prescribed in section 15-533 and from the proficiency requirements prescribed in section 15-532 on the Constitutions of the United States and Arizona. A teacher who obtains a specialized teaching certificate pursuant to this subdivision may provide instruction in the teacher's field of expertise in grades six through twelve at any public school in this state. This subdivision does not require a teacher who has obtained another type of teaching certificate from the state board to obtain a specialized teaching certificate pursuant to this subdivision in order to provide instruction in grades six through twelve in a science, technology, engineering or mathematics course. A classroom teacher is eligible for a specialized teaching certificate pursuant to this subdivision if the teacher meets all of the following requirements:

   (i) Has taught science, technology, engineering or mathematics courses for the last two consecutive years and for a total of at least three years at one or more regionally or nationally accredited public or private postsecondary institutions. An applicant shall demonstrate compliance with this requirement by providing the state board with written proof of employment for specific durations from one or more qualifying postsecondary institutions.

   (ii) Has either a baccalaureate degree, a master's degree or a doctorate degree in an academic subject that is specific to science, technology, engineering or mathematics or has obtained a passing score on a statewide educator assessment in science, technology, engineering or mathematics that is recognized by the state board.

   (iii) Obtains a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1.

(g) Notwithstanding section 15-533, may exempt persons applying for a secondary education certificate from the subject knowledge portion of the proficiency examination if the state board determines that the person has work experience in science, technology, engineering or mathematics and
can demonstrate adequate knowledge of a particular subject through a postsecondary education degree or twenty-four credit hours of relevant coursework.

(h) Shall allow for a standard certificate issued to a person pursuant to this section to be renewed for at least eight years and may not require more than fifteen hours of continuing education credits each year in order to renew any certificate issued pursuant to this section.

15. Adopt a list of approved tests for determining special education assistance to gifted pupils as defined in and as provided in chapter 7, article 4.1 of this title. The adopted tests shall provide separate scores for quantitative reasoning, verbal reasoning and nonverbal reasoning and shall be capable of providing reliable and valid scores at the highest ranges of the score distribution.

16. Adopt rules governing the methods for the administration of all proficiency examinations.

17. Adopt proficiency examinations for its use. The state board of education shall determine the passing score for the proficiency examinations.

18. Include within its budget the cost of contracting for the purchase, distribution and scoring of the examinations as provided in paragraphs 16 and 17 of this subsection.

19. Supervise and control the qualifications of professional nonteaching school personnel and prescribe standards relating to qualifications. The standards shall not require the business manager of a school district to obtain certification from the state board of education.

20. Impose such disciplinary action, including the issuance of a letter of censure, suspension, suspension with conditions or revocation of a certificate, on a finding of immoral or unprofessional conduct.

21. Establish an assessment, data gathering and reporting system for pupil performance as prescribed in chapter 7, article 3 of this title.

22. Adopt a rule to promote braille literacy pursuant to section 15-214.

23. Adopt rules prescribing procedures for the investigation by the department of education of every written complaint alleging that a certificated person has engaged in immoral conduct.

24. For purposes of federal law, serve as the state board for vocational and technological education and meet at least four times each year solely to execute the powers and duties of the state board for vocational and technological education.

25. Develop and maintain a handbook for use in the schools of this state that provides guidance for the teaching of moral, civic and ethical education. The handbook shall promote existing curriculum frameworks and shall encourage school districts to recognize moral, civic and ethical values within instructional and programmatic educational development programs for the general purpose of instilling character and ethical
principles in pupils in kindergarten programs and grades one through twelve.

26. Require pupils to recite the following passage from the declaration of independence for pupils in grades four through six at the commencement of the first class of the day in the schools, except that a pupil shall not be required to participate if the pupil or the pupil's parent or guardian objects:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

27. Adopt rules that provide for educator certification reciprocity. The rules for issuance of a comparable reciprocal educator certificate shall include a requirement that the applicant possess a comparable valid certification from another state that included passing that state's subject knowledge and professional exams and be in good standing with that other state. An applicant who possesses a valid certification from another state and a fingerprint clearance card pursuant to section 15-534 and who is in good standing with that other state shall be issued a standard teaching certificate without any other requirements from the state board of education or the department of education. A person who is issued a certificate pursuant to this paragraph is not required to meet any requirement prescribed in section 15-533.

28. Adopt rules that provide for the presentation of an honorary high school diploma to a person who has never obtained a high school diploma and who meets both of the following requirements:

(a) Currently resides in this state.
(b) Provides documented evidence from the department of veterans' services that the person enlisted in the armed forces of the United States and served in World War I, World War II, the Korean conflict or the Vietnam conflict.

29. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the duties of the department of education and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

30. Adopt rules to define and provide guidance to schools as to the activities that would constitute immoral or unprofessional conduct of certificated persons.
31. Adopt guidelines to encourage pupils in grades nine, ten, eleven and twelve to volunteer for twenty hours of community service before graduation from high school. A school district that complies with the guidelines adopted pursuant to this paragraph is not liable for damages resulting from a pupil's participation in community service unless the school district is found to have demonstrated wanton or reckless disregard for the safety of the pupil and other participants in community service. For the purposes of this paragraph, "community service" may include service learning. The guidelines shall include the following:

(a) A list of the general categories in which community service may be performed.
(b) A description of the methods by which community service will be monitored.
(c) A consideration of risk assessment for community service projects.
(d) Orientation and notification procedures of community service opportunities for pupils entering grade nine, including the development of a notification form. The notification form shall be signed by the pupil and the pupil's parent or guardian, except that a pupil shall not be required to participate in community service if the parent or guardian notifies the principal of the pupil's school in writing that the parent or guardian does not wish the pupil to participate in community service.
(e) Procedures for a pupil in grade nine to prepare a written proposal that outlines the type of community service that the pupil would like to perform and the goals that the pupil hopes to achieve as a result of community service. The pupil's written proposal shall be reviewed by a faculty advisor, a guidance counselor or any other school employee who is designated as the community service program coordinator for that school. The pupil may alter the written proposal at any time before performing community service.
(f) Procedures for a faculty advisor, a guidance counselor or any other school employee who is designated as the community service program coordinator to evaluate and certify the completion of community service performed by pupils.

32. To facilitate the transfer of military personnel and their dependents to and from the public schools of this state, pursue, in cooperation with the Arizona board of regents, reciprocity agreements with other states concerning the transfer credits for military personnel and their dependents. A reciprocity agreement entered into pursuant to this paragraph shall:

(a) Address procedures for each of the following:
   (i) The transfer of student records.
   (ii) Awarding credit for completed coursework.
   (iii) Permitting a student to satisfy the graduation requirements prescribed in section 15-701.01 through the successful performance on
comparable exit-level assessment instruments administered in another state.

(b) Include appropriate criteria developed by the state board of education and the Arizona board of regents.

33. Adopt guidelines that school district governing boards shall use in identifying pupils who are eligible for gifted programs and in providing gifted education programs and services. The state board of education shall adopt any other guidelines and rules that it deems necessary in order to carry out the purposes of chapter 7, article 4.1 of this title.

34. For each of the alternative textbook formats of human-voiced audio, large-print and braille, designate alternative media producers to adapt existing standard print textbooks or to provide specialized textbooks, or both, for pupils with disabilities in this state. Each alternative media producer shall be capable of producing alternative textbooks in all relevant subjects in at least one of the alternative textbook formats. The board shall post the designated list of alternative media producers on its website.

35. Adopt a list of approved professional development training providers for use by school districts as provided in section 15-107, subsection J. The professional development training providers shall meet the training curriculum requirements determined by the state board of education in at least the areas of school finance, governance, employment, staffing, inventory and human resources, internal controls and procurement.

36. Adopt rules to prohibit a person who violates the notification requirements prescribed in section 15-183, subsection C, paragraph 8 or section 15-550, subsection C from certification pursuant to this title until the person is no longer charged or is acquitted of any offenses listed in section 41-1758.03, subsection B. The board shall also adopt rules to prohibit a person who violates the notification requirements, certification surrender requirements or fingerprint clearance card surrender requirements prescribed in section 15-183, subsection C, paragraph 9 or section 15-550, subsection D from certification pursuant to this title for at least ten years after the date of the violation.

37. Adopt rules for the alternative certification of teachers of nontraditional foreign languages that allow for the passing of a nationally accredited test to substitute for the education coursework required for certification.

38. Adopt and maintain a model framework for a teacher and principal evaluation instrument that includes quantitative data on student academic progress that accounts for between thirty-three percent and fifty percent of the evaluation outcomes. The framework shall include four performance classifications, designated as highly effective, effective, developing and ineffective, and guidelines for school districts and
charter schools to use in their evaluation instruments. The state board of education shall adopt best practices for professional development and evaluator training. The state board of education may periodically make adjustments to align the model framework for teacher and principal evaluations with assessment or data changes at the state level. School districts and charter schools shall use an instrument that meets the data requirements established by the state board of education to annually evaluate individual teachers and principals. School districts and charter schools shall adopt definitions for the performance classifications adopted by the state board of education in a public meeting and apply the performance classifications to their evaluation instruments in a manner designed to improve principal and teacher performance. For charter holders, the principal evaluation instrument applies to each charter school's instructional leader whose primary responsibility is to oversee the academic performance of the charter school. This paragraph does not apply to an officer, director, member or partner of the charter holder. The school district governing board shall discuss at a public meeting at least annually its aggregate performance classifications of principals and teachers.

39. Adopt rules to define competency-based educational pathways for college and career readiness that may be used by schools. The rules shall include the following components:

(a) The establishment of learning outcomes that will be expected for students in a particular subject.

(b) A process and criteria by which assessments may be identified or established to determine if students have reached the desired competencies in a particular subject.

(c) A mechanism to allow pupils in grades seven through twelve who have demonstrated competency in a subject to immediately obtain credit for the mastery of that subject. The rules shall include a list of applicable subjects, including the level of competency required for each subject.

40. In consultation with the department of health services, the department of education, medical professionals, school health professionals, school administrators and an organization that represents school nurses in this state, adopt rules that prescribe the following for school districts and charter schools:

(a) Annual training in the administration of auto-injectable epinephrine, as directed on the prescription protocol, for designated medical and nonmedical school personnel. The annual training prescribed in this subdivision is optional during any fiscal year in which sufficient monies are not appropriated by the legislature during that fiscal year to provide for the purchase of two juvenile doses and two adult doses of epinephrine auto-injectors at each public school in this state and if the school does not stock two juvenile doses and two adult doses of epinephrine auto-injectors at the school during that fiscal year.
(b) Annual training for all school site personnel on the recognition of anaphylactic shock symptoms and the procedures to follow when anaphylactic shock occurs, following the national guidelines of the American academy of pediatrics. The annual training prescribed in this subdivision is optional during any fiscal year in which sufficient monies are not appropriated by the legislature during that fiscal year to provide for the purchase of two juvenile doses and two adult doses of epinephrine auto-injectors at each public school in this state and if the school does not stock two juvenile doses and two adult doses of epinephrine auto-injectors at the school during that fiscal year.

(c) Procedures for the administration of epinephrine auto-injectors in emergency situations, as directed on the prescription protocol.

(d) Procedures for annually requesting a standing order for epinephrine auto-injectors pursuant to section 15-157 from the chief medical officer of the department of health services, the chief medical officer of a county health department, a doctor of medicine licensed pursuant to title 32, chapter 13 or a doctor of osteopathy licensed pursuant to title 32, chapter 17.

(e) Procedures for reporting the use of epinephrine auto-injectors to the department of health services.

41. IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, MEDICAL PROFESSIONALS, SCHOOL HEALTH PROFESSIONALS, SCHOOL ADMINISTRATORS AND AN ORGANIZATION THAT REPRESENTS SCHOOL NURSES IN THIS STATE, ADOPT RULES THAT PRESCRIBE THE FOLLOWING FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT ELECT TO ADMINISTER INHALERS:

(a) ANNUAL TRAINING IN THE RECOGNITION OF RESPIRATORY DISTRESS SYMPTOMS AND THE PROCEDURES TO FOLLOW WHEN RESPIRATORY DISTRESS OCCURS, IN ACCORDANCE WITH GOOD CLINICAL PRACTICE, AND THE ADMINISTRATION OF INHALERS, AS DIRECTED ON THE PRESCRIPTION PROTOCOL, BY DESIGNATED MEDICAL AND NONMEDICAL SCHOOL PERSONNEL.

(b) REQUIREMENTS FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT ELECT TO ADMINISTER INHALERS TO DESIGNATE AT LEAST TWO EMPLOYEES AT EACH SCHOOL TO BE TRAINED IN THE RECOGNITION OF RESPIRATORY DISTRESS SYMPTOMS AND THE PROCEDURES TO FOLLOW WHEN RESPIRATORY DISTRESS OCCURS, IN ACCORDANCE WITH GOOD CLINICAL PRACTICE, AND AT LEAST TWO EMPLOYEES AT EACH SCHOOL TO BE TRAINED IN THE ADMINISTRATION OF INHALERS, AS DIRECTED ON THE PRESCRIPTION PROTOCOL.

(c) PROCEDURES FOR THE ADMINISTRATION OF INHALERS IN EMERGENCY SITUATIONS, AS DIRECTED ON THE PRESCRIPTION PROTOCOL.

(d) PROCEDURES FOR ANNUALLY REQUESTING A STANDING ORDER FOR INHALERS AND SPACERS OR HOLDING CHAMBERS PURSUANT TO SECTION 15-158 FROM THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH DEPARTMENT, A PHYSICIAN LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR A NURSE PRACTITIONER LICENSED PURSUANT TO TITLE 32, CHAPTER 15.
(e) PROCEDURES FOR NOTIFYING A PARENT ONCE AN INHALER HAS BEEN ADMINISTERED.

B. The state board of education may:

1. Contract.
2. Sue and be sued.
3. Distribute and score the tests prescribed in chapter 7, article 3 of this title.
4. Provide for an advisory committee to conduct hearings and screenings to determine whether grounds exist to impose disciplinary action against a certificated person, whether grounds exist to reinstate a revoked or surrendered certificate and whether grounds exist to approve or deny an initial application for certification or a request for renewal of a certificate. The board may delegate its responsibility to conduct hearings and screenings to its advisory committee. Hearings shall be conducted pursuant to title 41, chapter 6, article 6.
5. Proceed with the disposal of any complaint requesting disciplinary action or with any disciplinary action against a person holding a certificate as prescribed in subsection A, paragraph 14 of this section after the suspension or expiration of the certificate or surrender of the certificate by the holder.
6. Assess costs and reasonable attorney fees against a person who files a frivolous complaint or who files a complaint in bad faith. Costs assessed pursuant to this paragraph shall not exceed the expenses incurred by the department of education in the investigation of the complaint.

C. Placement decisions of teaching intern certificate holders issued pursuant to subsection A, paragraph 14, subdivision (a) of this section and section 15-552 shall be based on agreements between the teacher preparation provider, the provider's partner organizations and the local education agency. The practices of the department of education and the rules and policies of the state board of education may not restrict placement of teaching intern certification holders based on local education agency instructional models and may only consider the academic quality of the school, the effectiveness of the teaching intern certification holder's on-site mentor and the opportunity for a wide variety of schools and school models to access teaching intern certification holders.

Sec. 4. Section 15-342, Arizona Revised Statutes, is amended to read:

15-342. Discretionary powers
The governing board may:

1. Expel pupils for misconduct.
2. Exclude from grades one through eight children under six years of age.
3. Make such separation of groups of pupils as it deems advisable.
4. Maintain such special schools during vacation as deemed necessary for the benefit of the pupils of the school district.

5. Permit a superintendent or principal or representatives of the superintendent or principal to travel for a school purpose, as determined by a majority vote of the board. The board may permit members and members-elect of the board to travel within or without the school district for a school purpose and receive reimbursement. Any expenditure for travel and subsistence pursuant to this paragraph shall be as provided in title 38, chapter 4, article 2. The designated post of duty referred to in section 38-621 shall be construed, for school district governing board members, to be the member’s actual place of residence, as opposed to the school district office or the school district boundaries. Such expenditures shall be a charge against the budgeted school district funds. The governing board of a school district shall prescribe procedures and amounts for reimbursement of lodging and subsistence expenses. Reimbursement amounts shall not exceed the maximum amounts established pursuant to section 38-624, subsection C.

6. Construct or provide in rural districts housing facilities for teachers and other school employees that the board determines are necessary for the operation of the school.

7. Sell or lease to the state, a county, a city, another school district or a tribal government agency any school property required for a public purpose, provided the sale or lease of the property will not affect the normal operations of a school within the school district.

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

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

10. Subject to chapter 16 of this title, sell school sites or enter into leases or lease-purchase agreements for school buildings and grounds, as lessor or as lessee, for a period of ten years or more, but not to exceed ninety-nine years, if authorized by a vote of the school district electors in an election called by the governing board as provided in section 15-491, except that authorization by the school district electors in an election is not required if one of the following requirements is met:
   
   (a) The market value of the school property is less than fifty thousand dollars or the property is procured through a renewable energy development agreement, an energy performance contract, which among other items includes a renewable energy power service agreement, or a simplified energy performance contract pursuant to section 15-213.01.

   (b) The buildings and sites are completely funded with monies distributed by the school facilities board.
(c) The transaction involves the sale of improved or unimproved property pursuant to an agreement with the school facilities board in which the school district agrees to sell the improved or unimproved property and transfer the proceeds of the sale to the school facilities board in exchange for monies from the school facilities board for the acquisition of a more suitable school site. For a sale of property acquired by a school district prior to July 9, 1998, a school district shall transfer to the school facilities board that portion of the proceeds that equals the cost of the acquisition of a more suitable school site. If there are any remaining proceeds after the transfer of monies to the school facilities board, a school district shall only use those remaining proceeds for future land purchases approved by the school facilities board, or for capital improvements not funded by the school facilities board for any existing or future facility.

(d) The transaction involves the sale of improved or unimproved property pursuant to a formally adopted plan and the school district uses the proceeds of this sale to purchase other property that will be used for similar purposes as the property that was originally sold, provided that the sale proceeds of the improved or unimproved property are used within two years after the date of the original sale to purchase the replacement property. If the sale proceeds of the improved or unimproved property are not used within two years after the date of the original sale to purchase replacement property, the sale proceeds shall be used towards payment of any outstanding bonded indebtedness. If any sale proceeds remain after paying for outstanding bonded indebtedness, or if the district has no outstanding bonded indebtedness, sale proceeds shall be used to reduce the district's primary tax levy. A school district shall not use this subdivision unless all of the following conditions exist:

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

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

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

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

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

13. Enter into intergovernmental agreements and contracts with
school districts or other governing bodies as provided in section 11-952.
Intergovernmental agreements and contracts between school districts or
between a school district and other governing bodies as provided in
section 11-952 are exempt from competitive bidding under the procurement
rules adopted by the state board of education pursuant to section 15-213.

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

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

16. Dedicate school property within an incorporated city or town to
such city or town or within a county to that county for use as a public
right-of-way if both of the following apply:
   (a) Pursuant to an ordinance adopted by such city, town or county,
   there will be conferred upon the school district privileges and benefits
   that may include benefits related to zoning.
   (b) The dedication will not affect the normal operation of any
   school within the district.

17. Enter into option agreements for the purchase of school sites.
18. Donate surplus or outdated learning materials, educational
equipment and furnishings to nonprofit community organizations where the
governing board determines that the anticipated cost of selling the
learning materials, educational equipment or furnishings equals or exceeds
the estimated market value of the materials.

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

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

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

22. Require students to wear uniforms.

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

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

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

25. Notwithstanding section 15-341, subsection A, paragraphs 7 and
9, construct school buildings and purchase or lease school sites, without
a vote of the school district electors, if the buildings and sites are
totally funded from one or more of the following:
   (a) Monies in the unrestricted capital outlay fund, except that the
estimated cost shall not exceed two hundred fifty thousand dollars for a
district that utilizes section 15-949.
   (b) Monies distributed from the school facilities board established
   (c) Monies specifically donated for the purpose of constructing
school buildings.
This paragraph shall not be construed to eliminate the requirement for an
election to raise revenues for a capital outlay override pursuant to
section 15-481 or a bond election pursuant to section 15-491.

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

27. Unless otherwise prohibited by law, sell advertising as follows:
   (a) Advertisements shall be age appropriate and not contain
promotion of any substance that is illegal for minors such as alcohol,
tobacco and drugs or gambling. Advertisements shall comply with the state
sex education policy of abstinence.
   (b) Advertising approved by the governing board for the exterior of
school buses may appear only on the sides of the bus in the following
areas:
      (i) The signs shall be below the seat level rub rail and not extend
above the bottom of the side windows.
      (ii) The signs shall be at least three inches from any required
lettering, lamp, wheel well or reflector behind the service door or stop
signal arm.
(iii) The signs shall not extend from the body of the bus so as to allow a handhold or present a danger to pedestrians.

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

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

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

28. Assess reasonable damage deposits to pupils in grades seven through twelve for the use of textbooks, musical instruments, band uniforms or other equipment required for academic courses. The governing board shall adopt policies on any damage deposits assessed pursuant to this paragraph at a public meeting called for this purpose after providing notice to all parents of pupils in grades seven through twelve in the school district. Principals of individual schools within the district may waive the damage deposit requirement for any textbook or other item if the payment of the damage deposit would create an economic hardship for the pupil. The school district shall return the full amount of the damage deposit for any textbook or other item if the pupil returns the textbook or other item in reasonably good condition within the time period prescribed by the governing board. For the purposes of this paragraph, "in reasonably good condition" means the textbook or other item is in the same or a similar condition as it was when the pupil received it, plus ordinary wear and tear.

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

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

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

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

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

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

33. Enter into voluntary partnerships with any party to finance with funds other than school district funds and cooperatively design school facilities that comply with the adequacy standards prescribed in section 15-2011 and the square footage per pupil requirements pursuant to section 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and location of any such school facility shall be submitted to the school facilities board for approval pursuant to section 15-2041, subsection 0. If the school facilities board approves the design plans and location of any such school facility, the party in partnership with the school district may cause to be constructed and the district may begin operating the school facility before monies are distributed from the school facilities board pursuant to section 15-2041. Monies distributed from the new school facilities fund to a school district in a partnership with another party to finance and design the school facility shall be paid to the school district pursuant to section 15-2041. The school district shall reimburse the party in partnership with the school district from the monies paid to the school district pursuant to section 15-2041, in accordance with the voluntary partnership agreement. Before the school facilities board distributes any monies pursuant to this subsection, the school district shall demonstrate to the school facilities board that the facilities to be funded pursuant to section 15-2041, subsection 0 meet the minimum adequacy standards prescribed in section 15-2011. If the cost to construct the school facility exceeds the amount that the school district receives from the new school facilities fund, the partnership agreement between the school district and the other party shall specify that, except as otherwise provided by the other party, any such excess costs shall be the responsibility of the school district. The school district governing board shall adopt a resolution in a public meeting that an analysis has been conducted on the prospective effects of the decision to operate a new school with existing monies from the school district's maintenance and operations budget and how this decision may affect other schools in the school district. If a school district acquires land by donation at an appropriate school site approved by the school facilities board and a school facility is financed and built on the land pursuant to this paragraph, the school facilities board shall distribute an amount equal to twenty percent of the fair market value of the land that can be used for academic purposes. The school district shall place the monies in the unrestricted capital outlay fund and increase the unrestricted capital budget limit by the amount of the monies placed in the fund. Monies distributed under this paragraph shall be distributed from the new school facilities fund pursuant to section 15-2041. If a school district
acquires land by donation at an appropriate school site approved by the school facilities board and a school facility is financed and built on the land pursuant to this paragraph, the school district shall not receive monies from the school facilities board for the donation of real property pursuant to section 15-2041, subsection F. It is unlawful for:

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

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

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

(d) A school district to enter into an agreement pursuant to this paragraph with any party other than a master planned community party. Any land area consisting of at least three hundred twenty acres that is the subject of a development agreement with a county, city or town entered into pursuant to section 9-500.05 or 11-1101 shall be deemed to be a master planned community. For the purposes of this subdivision, "master planned community" means a land area consisting of at least three hundred twenty acres, which may be noncontiguous, that is the subject of a zoning ordinance approved by the governing body of the county, city or town in which the land is located that establishes the use of the land area as a planned area development or district, planned community development or district, planned unit development or district or other land use category or district that is recognized in the local ordinance of such county, city or town and that specifies the use of such land is for a master planned development.

34. Enter into an intergovernmental agreement with a presiding judge of the juvenile court to implement a law-related education program as defined in section 15-154. The presiding judge of the juvenile court may assign juvenile probation officers to participate in a law related education program in any school district in the county. The cost of juvenile probation officers who participate in the program implemented pursuant to this paragraph shall be funded by the school district.
35. Offer to sell outdated learning materials, educational equipment or furnishings at a posted price commensurate with the value of the items to pupils who are currently enrolled in that school district before those materials are offered for public sale.

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

37. PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF INHALERS BY TRAINED EMPLOYEES OF THE SCHOOL DISTRICT PURSUANT TO SECTION 15-158.

Sec. 5. Title 36, chapter 21.1, article 1, Arizona Revised Statutes, is amended by adding section 36-2229, to read:

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

A. A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR A NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15 MAY PRESCRIBE INHALERS AND SPACERS OR HOLDING CHAMBERS IN THE NAME OF AN AUTHORIZED ENTITY FOR USE IN ACCORDANCE WITH THIS SECTION, AND PHARMACISTS MAY DISPENSE INHALERS AND SPACERS OR HOLDING CHAMBERS PURSUANT TO A PRESCRIPTION ISSUED IN THE NAME OF AN AUTHORIZED ENTITY. A PRESCRIPTION ISSUED PURSUANT TO THIS SECTION IS VALID FOR TWO YEARS.

B. AN AUTHORIZED ENTITY MAY ACQUIRE AND STOCK A SUPPLY OF INHALERS AND SPACERS OR HOLDING CHAMBERS PURSUANT TO A PRESCRIPTION ISSUED IN ACCORDANCE WITH THIS SECTION. THE INHALERS SHALL BE STORED IN A LOCATION THAT IS READILY ACCESSIBLE IN AN EMERGENCY AND IN ACCORDANCE WITH THE INHALER’S INSTRUCTIONS FOR USE. AN AUTHORIZED ENTITY SHALL DESIGNATE EMPLOYEES OR AGENTS WHO HAVE COMPLETED THE TRAINING REQUIRED BY SUBSECTION D OF THIS SECTION TO BE RESPONSIBLE FOR THE STORAGE, MAINTENANCE, CONTROL AND GENERAL OVERSIGHT OF THE INHALERS AND SPACERS OR HOLDING CHAMBERS ACQUIRED BY THE AUTHORIZED ENTITY.

C. IF AN EMPLOYEE OR AGENT OF AN AUTHORIZED ENTITY OR ANOTHER INDIVIDUAL WHO HAS COMPLETED THE TRAINING REQUIRED BY SUBSECTION D OF THIS SECTION BELIEVES IN GOOD FAITH THAT AN INDIVIDUAL IS EXPERIENCING RESPIRATORY DISTRESS, THE EMPLOYEE, AGENT OR OTHER INDIVIDUAL MAY PROVIDE AND ADMINISTER AN INHALER TO THAT INDIVIDUAL OR MAY PROVIDE AN INHALER TO THE PARENT, GUARDIAN OR CAREGIVER OF THAT INDIVIDUAL, FOR IMMEDIATE ADMINISTRATION, REGARDLESS OF WHETHER THE INDIVIDUAL WHO IS BELIEVED TO BE EXPERIENCING RESPIRATORY DISTRESS HAS A PRESCRIPTION FOR AN INHALER AND SPACER OR HOLDING CHAMBER OR HAS PREVIOUSLY BEEN DIAGNOSED WITH A CONDITION REQUIRING AN INHALER.

D. AN EMPLOYEE, AGENT OR OTHER INDIVIDUAL DESCRIBED IN SUBSECTION B OR C OF THIS SECTION SHALL COMPLETE INITIAL TRAINING FOR THE USE OF INHALERS AND, AT LEAST EVERY TWO YEARS THEREAFTER, SHALL COMPLETE SUBSEQUENT TRAINING. THE TRAINING SHALL BE CONDUCTED BY A NATIONALLY
RECOGNIZED ORGANIZATION THAT IS EXPERIENCED IN TRAINING LAYPERSONS IN EMERGENCY HEALTH TREATMENT. TRAINING MAY BE CONDUCTED ONLINE OR IN PERSON AND, AT A MINIMUM, SHALL COVER:

1. HOW TO RECOGNIZE SIGNS AND SYMPTOMS OF RESPIRATORY DISTRESS.
2. STANDARDS AND PROCEDURES FOR THE STORAGE AND ADMINISTRATION OF AN INHALER.
3. EMERGENCY FOLLOW-UP PROCEDURES AFTER THE ADMINISTRATION OF AN INHALER.

E. THE ORGANIZATION THAT CONDUCTS THE TRAINING REQUIRED BY SUBSECTION D OF THIS SECTION SHALL ISSUE A CERTIFICATE TO EACH PERSON WHO SUCCESSFULLY COMPLETES THE TRAINING.

F. THE ADMINISTRATION OF AN INHALER PURSUANT TO THIS SECTION IS NOT THE PRACTICE OF MEDICINE OR ANY OTHER PROFESSION THAT OTHERWISE REQUIRES LICENSURE.

G. PHYSICIANS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 AND NURSE PRACTITIONERS LICENSED PURSUANT TO TITLE 32, CHAPTER 15 WHO PRESCRIBE AN INHALER AND SPACER OR HOLDING CHAMBER IN THE NAME OF AN AUTHORIZED ENTITY, AUTHORIZED ENTITIES AND EMPLOYEES AND AGENTS OF AUTHORIZED ENTITIES THAT PROVIDE OR ADMINISTER INHALERS AND ORGANIZATIONS THAT PROVIDE TRAINING PURSUANT TO SUBSECTION D OF THIS SECTION ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS OR OMISSIONS TAKEN THAT ARE BASED ON GOOD FAITH IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION, EXCEPT IN CASES OF GROSS NEGLIGENCE, WILFUL MISCONDUCT OR INTENTIONAL WRONGDOING.

H. THE IMMUNITY FROM CIVIL LIABILITY PROVIDED IN SUBSECTION G OF THIS SECTION DOES NOT AFFECT A MANUFACTURER’S PRODUCT LIABILITY REGARDING THE DESIGN, MANUFACTURING OR INSTRUCTIONS FOR USE OF AN INHALER AND SPACER OR HOLDING CHAMBER.

I. AN AUTHORIZED ENTITY MAY ACCEPT MONETARY DONATIONS TO PURCHASE INHALERS AND SPACERS OR HOLDING CHAMBERS AND MAY ACCEPT DONATIONS OF INHALERS AND SPACERS OR HOLDING CHAMBERS DIRECTLY FROM THE PRODUCT MANUFACTURER.

J. FOR THE PURPOSES OF THIS SECTION:
1. "AUTHORIZED ENTITY" MEANS ANY ENTITY OR ORGANIZATION IN CONNECTION WITH OR AT WHICH ALLERGENS CAPABLE OF CAUSING RESPIRATORY DISTRESS SYMPTOMS MAY BE PRESENT, INCLUDING RECREATION CAMPS, DAY CARE FACILITIES, YOUTH SPORTS LEAGUES, AMUSEMENT PARKS, RESTAURANTS AND SPORTS ARENAS.
2. "BRONCHODILATOR" MEANS ALBUTEROL OR ANOTHER SHORT-ACTING BRONCHODILATOR THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF RESPIRATORY DISTRESS.
3. "INHALER" MEANS A DEVICE THAT DELIVERS A BRONCHODILATOR TO ALLEVIATE SYMPTOMS OF RESPIRATORY DISTRESS, THAT IS MANUFACTURED IN THE FORM OF A METERED-DOSE INHALER OR DRY-POWDER INHALER AND THAT INCLUDES A SPACER OR HOLDING CHAMBER THAT ATTACHES TO THE INHALER TO IMPROVE THE DELIVERY OF THE BRONCHODILATOR.

4. "RESPIRATORY DISTRESS" INCLUDES THE PERCEIVED OR ACTUAL PRESENCE OF COUGHING, WHEEZING OR SHORTNESS OF BREATH.

APPROVED BY THE GOVERNOR MARCH 24, 2017.