

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

**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)

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

2 Section 1. Title 15, chapter 1, article 5, Arizona Revised  
3 Statutes, is amended by adding section 15-158, to 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, AN EMPLOYEE OF A SCHOOL DISTRICT OR CHARTER SCHOOL WHO IS  
10 TRAINED IN THE ADMINISTRATION OF INHALERS MAY ADMINISTER OR ASSIST IN THE  
11 ADMINISTRATION OF AN INHALER TO A PUPIL OR AN ADULT WHOM THE EMPLOYEE  
12 BELIEVES IN GOOD FAITH TO BE EXHIBITING SYMPTOMS OF RESPIRATORY DISTRESS  
13 WHILE AT SCHOOL OR AT A SCHOOL-SPONSORED ACTIVITY. A SCHOOL DISTRICT OR  
14 CHARTER SCHOOL MAY ACCEPT MONETARY DONATIONS FOR OR APPLY FOR GRANTS FOR  
15 THE PURCHASE OF INHALERS AND SPACERS OR HOLDING CHAMBERS OR MAY ACCEPT  
16 DONATIONS OF INHALERS AND SPACERS OR HOLDING CHAMBERS DIRECTLY FROM THE  
17 PRODUCT MANUFACTURER.

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

26 C. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

39 15-189.04. Policies and procedures for the emergency  
40 administration of epinephrine and inhalers

41 The governing body of each charter school shall prescribe and  
42 enforce policies and procedures for the emergency administration of  
43 ~~auto-injectable~~ epinephrine AUTO-INJECTORS by a trained employee of the  
44 charter school pursuant to section 15-157 AND MAY PRESCRIBE AND ENFORCE

1 POLICIES AND PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF INHALERS BY A  
2 TRAINED EMPLOYEE OF THE CHARTER SCHOOL PURSUANT TO SECTION 15-158.

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

5 15-203. Powers and duties

6 A. The state board of education shall:

7 1. Exercise general supervision over and regulate the conduct of  
8 the public school system and adopt any rules and policies it deems  
9 necessary to accomplish this purpose.

10 2. Keep a record of its proceedings.

11 3. Make rules for its own government.

12 4. Determine the policy and work undertaken by it.

13 5. Subject to title 41, chapter 4, article 4, employ staff.

14 6. Prescribe and supervise the duties of its employees pursuant to  
15 title 41, chapter 4, article 4, if not otherwise prescribed by statute.

16 7. Delegate to the superintendent of public instruction the  
17 execution of board policies and rules.

18 8. Recommend to the legislature changes or additions to the  
19 statutes pertaining to schools.

20 9. Prepare, publish and distribute reports concerning the  
21 educational welfare of this state.

22 10. Prepare a budget for expenditures necessary for proper  
23 maintenance of the board and accomplishment of its purposes and present  
24 the budget to the legislature.

25 11. Aid in the enforcement of laws relating to schools.

26 12. Prescribe a minimum course of study in the common schools,  
27 minimum competency requirements for the promotion of pupils from the third  
28 grade and minimum course of study and competency requirements for the  
29 promotion of pupils from the eighth grade. The state board of education  
30 shall prepare a fiscal impact statement of any proposed changes to the  
31 minimum course of study or competency requirements and, on completion,  
32 shall send a copy to the director of the joint legislative budget  
33 committee and the executive director of the school facilities board. The  
34 state board of education shall not adopt any changes in the minimum course  
35 of study or competency requirements in effect on July 1, 1998 that will  
36 have a fiscal impact on school capital costs.

37 13. Prescribe minimum course of study and competency requirements  
38 for the graduation of pupils from high school. The state board of  
39 education shall prepare a fiscal impact statement of any proposed changes  
40 to the minimum course of study or competency requirements and, on  
41 completion, shall send a copy to the director of the joint legislative  
42 budget committee and the executive director of the school facilities  
43 board. The state board of education shall not adopt any changes in the  
44 minimum course of study or competency requirements in effect on July 1,  
45 1998 that will have a fiscal impact on school capital costs.

1           14. Supervise and control the certification of persons engaged in  
2 instructional work directly as any classroom, laboratory or other teacher  
3 or indirectly as a supervisory teacher, speech therapist, principal or  
4 superintendent in a school district, including school district preschool  
5 programs, or any other educational institution below the community  
6 college, college or university level, and prescribe rules for  
7 certification, including rules for certification of teachers who have  
8 teaching experience and who are trained in other states, that are not  
9 unnecessarily restrictive and are substantially similar to the rules  
10 prescribed for the certification of teachers trained in this state. The  
11 rules:

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

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

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

32           (iii) Obtain a fingerprint clearance card pursuant to section  
33 15-534.

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

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

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

40           (b) Shall require applicants for all certificates for common school  
41 instruction to complete a minimum of forty-five classroom hours or three  
42 college level credit hours, or the equivalent, of training in  
43 research-based systematic phonics instruction from a public or private  
44 provider.

1 (c) Shall not require a teacher to obtain a master's degree or to  
2 take any additional graduate courses as a condition of certification or  
3 recertification.

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

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

9 (f) Shall provide for the issuance of a specialized teaching  
10 certificate to classroom teachers with expertise in either science,  
11 technology, engineering or mathematics. Teachers who are certified  
12 pursuant to this subdivision shall complete training in structured English  
13 immersion as prescribed by the state board. Teachers who are certified  
14 pursuant to this subdivision are exempt from the professional knowledge  
15 and subject knowledge proficiency requirements prescribed in section  
16 15-533 and from the proficiency requirements prescribed in section 15-532  
17 on the Constitutions of the United States and Arizona. A teacher who  
18 obtains a specialized teaching certificate pursuant to this subdivision  
19 may provide instruction in the teacher's field of expertise in grades six  
20 through twelve at any public school in this state. This subdivision does  
21 not require a teacher who has obtained another type of teaching  
22 certificate from the state board to obtain a specialized teaching  
23 certificate pursuant to this subdivision in order to provide instruction  
24 in grades six through twelve in a science, technology, engineering or  
25 mathematics course. A classroom teacher is eligible for a specialized  
26 teaching certificate pursuant to this subdivision if the teacher meets all  
27 of the following requirements:

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

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

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

42 (g) Notwithstanding section 15-533, may exempt persons applying for  
43 a secondary education certificate from the subject knowledge portion of  
44 the proficiency examination if the state board determines that the person  
45 has work experience in science, technology, engineering or mathematics and

1 can demonstrate adequate knowledge of a particular subject through a  
2 postsecondary education degree or twenty-four credit hours of relevant  
3 coursework.

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

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

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

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

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

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

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

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

31 22. Adopt a rule to promote braille literacy pursuant to section  
32 15-214.

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

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

40 25. Develop and maintain a handbook for use in the schools of this  
41 state that provides guidance for the teaching of moral, civic and ethical  
42 education. The handbook shall promote existing curriculum frameworks and  
43 shall encourage school districts to recognize moral, civic and ethical  
44 values within instructional and programmatic educational development  
45 programs for the general purpose of instilling character and ethical

1 principles in pupils in kindergarten programs and grades one through  
2 twelve.

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

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

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

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

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

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

42 30. Adopt rules to define and provide guidance to schools as to the  
43 activities that would constitute immoral or unprofessional conduct of  
44 certificated persons.

1           31. Adopt guidelines to encourage pupils in grades nine, ten,  
2 eleven and twelve to volunteer for twenty hours of community service  
3 before graduation from high school. A school district that complies with  
4 the guidelines adopted pursuant to this paragraph is not liable for  
5 damages resulting from a pupil's participation in community service unless  
6 the school district is found to have demonstrated wanton or reckless  
7 disregard for the safety of the pupil and other participants in community  
8 service. For the purposes of this paragraph, "community service" may  
9 include service learning. The guidelines shall include the following:

10           (a) A list of the general categories in which community service may  
11 be performed.

12           (b) A description of the methods by which community service will be  
13 monitored.

14           (c) A consideration of risk assessment for community service  
15 projects.

16           (d) Orientation and notification procedures of community service  
17 opportunities for pupils entering grade nine, including the development of  
18 a notification form. The notification form shall be signed by the pupil  
19 and the pupil's parent or guardian, except that a pupil shall not be  
20 required to participate in community service if the parent or guardian  
21 notifies the principal of the pupil's school in writing that the parent or  
22 guardian does not wish the pupil to participate in community service.

23           (e) Procedures for a pupil in grade nine to prepare a written  
24 proposal that outlines the type of community service that the pupil would  
25 like to perform and the goals that the pupil hopes to achieve as a result  
26 of community service. The pupil's written proposal shall be reviewed by a  
27 faculty advisor, a guidance counselor or any other school employee who is  
28 designated as the community service program coordinator for that school.  
29 The pupil may alter the written proposal at any time before performing  
30 community service.

31           (f) Procedures for a faculty advisor, a guidance counselor or any  
32 other school employee who is designated as the community service program  
33 coordinator to evaluate and certify the completion of community service  
34 performed by pupils.

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

41           (a) Address procedures for each of the following:

42           (i) The transfer of student records.

43           (ii) Awarding credit for completed coursework.

44           (iii) Permitting a student to satisfy the graduation requirements  
45 prescribed in section 15-701.01 through the successful performance on

1 comparable exit-level assessment instruments administered in another  
2 state.

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

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

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

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

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

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

40 38. Adopt and maintain a model framework for a teacher and  
41 principal evaluation instrument that includes quantitative data on student  
42 academic progress that accounts for between thirty-three percent and fifty  
43 percent of the evaluation outcomes. The framework shall include four  
44 performance classifications, designated as highly effective, effective,  
45 developing and ineffective, and guidelines for school districts and

1 charter schools to use in their evaluation instruments. The state board  
2 of education shall adopt best practices for professional development and  
3 evaluator training. The state board of education may periodically make  
4 adjustments to align the model framework for teacher and principal  
5 evaluations with assessment or data changes at the state level. School  
6 districts and charter schools shall use an instrument that meets the data  
7 requirements established by the state board of education to annually  
8 evaluate individual teachers and principals. School districts and charter  
9 schools shall adopt definitions for the performance classifications  
10 adopted by the state board of education in a public meeting and apply the  
11 performance classifications to their evaluation instruments in a manner  
12 designed to improve principal and teacher performance. For charter  
13 holders, the principal evaluation instrument applies to each charter  
14 school's instructional leader whose primary responsibility is to oversee  
15 the academic performance of the charter school. This paragraph does not  
16 apply to an officer, director, member or partner of the charter  
17 holder. The school district governing board shall discuss at a public  
18 meeting at least annually its aggregate performance classifications of  
19 principals and teachers.

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

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

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

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

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

37 (a) Annual training in the administration of auto-injectable  
38 epinephrine, as directed on the prescription protocol, for designated  
39 medical and nonmedical school personnel. The annual training prescribed  
40 in this subdivision is optional during any fiscal year in which sufficient  
41 monies are not appropriated by the legislature during that fiscal year to  
42 provide for the purchase of two juvenile doses and two adult doses of  
43 epinephrine auto-injectors at each public school in this state and if the  
44 school does not stock two juvenile doses and two adult doses of  
45 epinephrine auto-injectors at the school during that fiscal year.

1 (b) Annual training for all school site personnel on the  
2 recognition of anaphylactic shock symptoms and the procedures to follow  
3 when anaphylactic shock occurs, following the national guidelines of the  
4 American academy of pediatrics. The annual training prescribed in this  
5 subdivision is optional during any fiscal year in which sufficient monies  
6 are not appropriated by the legislature during that fiscal year to provide  
7 for the purchase of two juvenile doses and two adult doses of epinephrine  
8 auto-injectors at each public school in this state and if the school does  
9 not stock two juvenile doses and two adult doses of epinephrine  
10 auto-injectors at the school during that fiscal year.

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

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

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

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

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

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

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

40 (d) PROCEDURES FOR ANNUALLY REQUESTING A STANDING ORDER FOR  
41 INHALERS AND SPACERS OR HOLDING CHAMBERS PURSUANT TO SECTION 15-158 FROM  
42 THE CHIEF MEDICAL OFFICER OF A COUNTY HEALTH DEPARTMENT, A PHYSICIAN  
43 LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR A NURSE PRACTITIONER  
44 LICENSED PURSUANT TO TITLE 32, CHAPTER 15.

1 (e) PROCEDURES FOR NOTIFYING A PARENT ONCE AN INHALER HAS BEEN  
2 ADMINISTERED.

3 B. The state board of education may:

4 1. Contract.

5 2. Sue and be sued.

6 3. Distribute and score the tests prescribed in chapter 7, article  
7 3 of this title.

8 4. Provide for an advisory committee to conduct hearings and  
9 screenings to determine whether grounds exist to impose disciplinary  
10 action against a certificated person, whether grounds exist to reinstate a  
11 revoked or surrendered certificate and whether grounds exist to approve or  
12 deny an initial application for certification or a request for renewal of  
13 a certificate. The board may delegate its responsibility to conduct  
14 hearings and screenings to its advisory committee. Hearings shall be  
15 conducted pursuant to title 41, chapter 6, article 6.

16 5. Proceed with the disposal of any complaint requesting  
17 disciplinary action or with any disciplinary action against a person  
18 holding a certificate as prescribed in subsection A, paragraph 14 of this  
19 section after the suspension or expiration of the certificate or surrender  
20 of the certificate by the holder.

21 6. Assess costs and reasonable attorney fees against a person who  
22 files a frivolous complaint or who files a complaint in bad faith. Costs  
23 assessed pursuant to this paragraph shall not exceed the expenses incurred  
24 by the department of education in the investigation of the complaint.

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

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

39 15-342. Discretionary powers

40 The governing board may:

41 1. Expel pupils for misconduct.

42 2. Exclude from grades one through eight children under six years  
43 of age.

44 3. Make such separation of groups of pupils as it deems advisable.

1           4. Maintain such special schools during vacation as deemed  
2 necessary for the benefit of the pupils of the school district.

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

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

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

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

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

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

39           (a) The market value of the school property is less than fifty  
40 thousand dollars or the property is procured through a renewable energy  
41 development agreement, an energy performance contract, which among other  
42 items includes a renewable energy power service agreement, or a simplified  
43 energy performance contract pursuant to section 15-213.01.

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

1 (c) The transaction involves the sale of improved or unimproved  
2 property pursuant to an agreement with the school facilities board in  
3 which the school district agrees to sell the improved or unimproved  
4 property and transfer the proceeds of the sale to the school facilities  
5 board in exchange for monies from the school facilities board for the  
6 acquisition of a more suitable school site. For a sale of property  
7 acquired by a school district prior to July 9, 1998, a school district  
8 shall transfer to the school facilities board that portion of the proceeds  
9 that equals the cost of the acquisition of a more suitable school site.  
10 If there are any remaining proceeds after the transfer of monies to the  
11 school facilities board, a school district shall only use those remaining  
12 proceeds for future land purchases approved by the school facilities  
13 board, or for capital improvements not funded by the school facilities  
14 board for any existing or future facility.

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

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

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

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

36 11. Review the decision of a teacher to promote a pupil to a grade  
37 or retain a pupil in a grade in a common school or to pass or fail a pupil  
38 in a course in high school. The pupil has the burden of proof to overturn  
39 the decision of a teacher to promote, retain, pass or fail the pupil. In  
40 order to sustain the burden of proof, the pupil shall demonstrate to the  
41 governing board that the pupil has mastered the academic standards adopted  
42 by the state board of education pursuant to sections 15-701 and 15-701.01.  
43 If the governing board overturns the decision of a teacher pursuant to  
44 this paragraph, the governing board shall adopt a written finding that the  
45 pupil has mastered the academic standards. Notwithstanding title 38,

1 chapter 3, article 3.1, the governing board shall review the decision of a  
2 teacher to promote a pupil to a grade or retain a pupil in a grade in a  
3 common school or to pass or fail a pupil in a course in high school in  
4 executive session unless a parent or legal guardian of the pupil or the  
5 pupil, if emancipated, disagrees that the review should be conducted in  
6 executive session and then the review shall be conducted in an open  
7 meeting. If the review is conducted in executive session, the board shall  
8 notify the teacher of the date, time and place of the review and shall  
9 allow the teacher to be present at the review. If the teacher is not  
10 present at the review, the board shall consult with the teacher before  
11 making its decision. Any request, including the written request as  
12 provided in section 15-341, the written evidence presented at the review  
13 and the written record of the review, including the decision of the  
14 governing board to accept or reject the teacher's decision, shall be  
15 retained by the governing board as part of its permanent records.

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

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

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

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

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

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

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

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

1           18. Donate surplus or outdated learning materials, educational  
2 equipment and furnishings to nonprofit community organizations where the  
3 governing board determines that the anticipated cost of selling the  
4 learning materials, educational equipment or furnishings equals or exceeds  
5 the estimated market value of the materials.

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

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

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

22           22. Require students to wear uniforms.

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

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

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

35           24. For common and high school pupils, assess reasonable fees for  
36 optional extracurricular activities and programs conducted when the common  
37 or high school is not in session, except that no fees shall be charged for  
38 pupils' access to or use of computers or related materials. For high  
39 school pupils, the governing board may assess reasonable fees for fine  
40 arts and vocational education courses and for optional services, equipment  
41 and materials offered to the pupils beyond those required to successfully  
42 complete the basic requirements of any other course, except that no fees  
43 shall be charged for pupils' access to or use of computers or related  
44 materials. Fees assessed pursuant to this paragraph shall be adopted at a  
45 public meeting after notice has been given to all parents of pupils

1 enrolled at schools in the district and shall not exceed the actual costs  
2 of the activities, programs, services, equipment or materials. The  
3 governing board shall authorize principals to waive the assessment of all  
4 or part of a fee assessed pursuant to this paragraph if it creates an  
5 economic hardship for a pupil. For the purposes of this paragraph,  
6 "extracurricular activity" means any optional, noncredit, educational or  
7 recreational activity that supplements the education program of the  
8 school, whether offered before, during or after regular school hours.

9 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and  
10 9, construct school buildings and purchase or lease school sites, without  
11 a vote of the school district electors, if the buildings and sites are  
12 totally funded from one or more of the following:

13 (a) Monies in the unrestricted capital outlay fund, except that the  
14 estimated cost shall not exceed two hundred fifty thousand dollars for a  
15 district that utilizes section 15-949.

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

18 (c) Monies specifically donated for the purpose of constructing  
19 school buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 30. Notwithstanding section 15-1143, expend surplus monies in the  
30 community school program fund for maintenance and operations or  
31 unrestricted capital outlay, if sufficient monies are available in the  
32 fund after meeting the needs of programs established pursuant to section  
33 15-1142.

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

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

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

43 (b) The policy shall set forth whether and under what circumstances  
44 a parent may be present when a law enforcement officer interviews the  
45 pupil, including reasonable exceptions to the circumstances under which a

1 parent may be present when a law enforcement officer interviews the pupil,  
2 and shall specify a reasonable maximum time after a parent is notified  
3 that an interview of a pupil by a law enforcement officer may be delayed  
4 to allow the parent to be present.

5 33. Enter into voluntary partnerships with any party to finance with  
6 funds other than school district funds and cooperatively design school  
7 facilities that comply with the adequacy standards prescribed in section  
8 15-2011 and the square footage per pupil requirements pursuant to section  
9 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and  
10 location of any such school facility shall be submitted to the school  
11 facilities board for approval pursuant to section 15-2041, subsection 0.  
12 If the school facilities board approves the design plans and location of  
13 any such school facility, the party in partnership with the school  
14 district may cause to be constructed and the district may begin operating  
15 the school facility before monies are distributed from the school  
16 facilities board pursuant to section 15-2041. Monies distributed from the  
17 new school facilities fund to a school district in a partnership with  
18 another party to finance and design the school facility shall be paid to  
19 the school district pursuant to section 15-2041. The school district  
20 shall reimburse the party in partnership with the school district from the  
21 monies paid to the school district pursuant to section 15-2041, in  
22 accordance with the voluntary partnership agreement. Before the school  
23 facilities board distributes any monies pursuant to this subsection, the  
24 school district shall demonstrate to the school facilities board that the  
25 facilities to be funded pursuant to section 15-2041, subsection 0 meet the  
26 minimum adequacy standards prescribed in section 15-2011. If the cost to  
27 construct the school facility exceeds the amount that the school district  
28 receives from the new school facilities fund, the partnership agreement  
29 between the school district and the other party shall specify that, except  
30 as otherwise provided by the other party, any such excess costs shall be  
31 the responsibility of the school district. The school district governing  
32 board shall adopt a resolution in a public meeting that an analysis has  
33 been conducted on the prospective effects of the decision to operate a new  
34 school with existing monies from the school district's maintenance and  
35 operations budget and how this decision may affect other schools in the  
36 school district. If a school district acquires land by donation at an  
37 appropriate school site approved by the school facilities board and a  
38 school facility is financed and built on the land pursuant to this  
39 paragraph, the school facilities board shall distribute an amount equal to  
40 twenty ~~per cent~~ PERCENT of the fair market value of the land that can be  
41 used for academic purposes. The school district shall place the monies in  
42 the unrestricted capital outlay fund and increase the unrestricted capital  
43 budget limit by the amount of the monies placed in the fund. Monies  
44 distributed under this paragraph shall be distributed from the new school  
45 facilities fund pursuant to section 15-2041. If a school district

1 acquires land by donation at an appropriate school site approved by the  
2 school facilities board and a school facility is financed and built on the  
3 land pursuant to this paragraph, the school district shall not receive  
4 monies from the school facilities board for the donation of real property  
5 pursuant to section 15-2041, subsection F. It is unlawful for:

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

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

18 (c) A community facilities district established pursuant to title  
19 48, chapter 4, article 6 to be used for reimbursement of financing the  
20 construction of a school pursuant to this paragraph.

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

36 34. Enter into an intergovernmental agreement with a presiding judge  
37 of the juvenile court to implement a ~~law-related~~ LAW-RELATED education  
38 program as defined in section 15-154. The presiding judge of the juvenile  
39 court may assign juvenile probation officers to participate in a ~~law~~  
40 ~~related~~ LAW-RELATED education program in any school district in the  
41 county. The cost of juvenile probation officers who participate in the  
42 program implemented pursuant to this paragraph shall be funded by the  
43 school district.

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

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

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

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

14           36-2229. Emergency administration of inhalers; authorized  
15 entities; training; immunity; definitions

16           A. A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR  
17 17 OR A NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER  
18 15 MAY PRESCRIBE INHALERS AND SPACERS OR HOLDING CHAMBERS IN THE NAME OF  
19 AN AUTHORIZED ENTITY FOR USE IN ACCORDANCE WITH THIS SECTION, AND  
20 PHARMACISTS MAY DISPENSE INHALERS AND SPACERS OR HOLDING CHAMBERS PURSUANT  
21 TO A PRESCRIPTION ISSUED IN THE NAME OF AN AUTHORIZED ENTITY. A  
22 PRESCRIPTION ISSUED PURSUANT TO THIS SECTION IS VALID FOR TWO YEARS.

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

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

42           D. AN EMPLOYEE, AGENT OR OTHER INDIVIDUAL DESCRIBED IN SUBSECTION B  
43 OR C OF THIS SECTION SHALL COMPLETE INITIAL TRAINING FOR THE USE OF  
44 INHALERS AND, AT LEAST EVERY TWO YEARS THEREAFTER, SHALL COMPLETE  
45 SUBSEQUENT TRAINING. THE TRAINING SHALL BE CONDUCTED BY A NATIONALLY

1 RECOGNIZED ORGANIZATION THAT IS EXPERIENCED IN TRAINING LAYPERSONS IN  
2 EMERGENCY HEALTH TREATMENT. TRAINING MAY BE CONDUCTED ONLINE OR IN PERSON  
3 AND, AT A MINIMUM, SHALL COVER:

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

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

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

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

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

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

33 J. FOR THE PURPOSES OF THIS SECTION:

34 1. "AUTHORIZED ENTITY" MEANS ANY ENTITY OR ORGANIZATION IN  
35 CONNECTION WITH OR AT WHICH ALLERGENS CAPABLE OF CAUSING RESPIRATORY  
36 DISTRESS SYMPTOMS MAY BE PRESENT, INCLUDING RECREATION CAMPS, DAY CARE  
37 FACILITIES, YOUTH SPORTS LEAGUES, AMUSEMENT PARKS, RESTAURANTS AND SPORTS  
38 ARENAS.

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

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

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

APPROVED BY THE GOVERNOR MARCH 24, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2017.