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HB 20-1283

FINAL
FISCAL NOTE

Drafting Number: LLS 20-0265
Prime Sponsors: Rep. Buckner
Sen. Todd

Date: April 24, 2020
Bill Status: Postponed Indefinitely
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Bill Topic: ADMINISTRATION OF INHALER FOR RESPIRATORY DISTRESS

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> School District
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill would have provided for the stocking and administration of inhalers by public schools and other authorized entities. The bill would have modified state revenue workload on an ongoing basis.

Appropriation Summary: No appropriation would have been required.

Fiscal Note Status: This fiscal note reflects the introduced bill. The bill was not enacted into law; therefore, the impacts identified in this fiscal note do not take effect.

Summary of Legislation

The bill amends state law regarding the administration of epinephrine auto-injectors to include the administration of inhalers for respiratory distress.

Schools. The bill allows public schools to acquire and maintain a stock supply of inhalers and permits designated school personnel to administer an inhaler to students in respiratory distress. Schools may accept donations to purchase inhalers and may enter into an agreement with a manufacturer to obtain inhalers at a reduced price, or for free.

State agencies. The State Board of Education (SBE), with assistance from the Colorado Department of Public Health and Environment (CDPHE) must adopt rules for the administration of inhalers by December 31, 2020. Rules must address annual training for school staff and require that at least two designated employees at each school be trained to recognize symptoms of respiratory distress, and administer inhalers to students in respiratory distress.

Under current law, CDPHE is authorized to audit school records for the asthma and severe allergy rates within a school. The bill adds that an audit may include a review of instances of respiratory distress and the administration of inhalers by school staff.

Authorized entities. The bill also allows authorized entities outside of school settings, such as summer camps, colleges, day care, amusement parks, and sports arenas, that currently stock epinephrine auto-injectors to also stock inhalers and accept donations to purchase inhalers. Employees or other trained individuals may administer inhalers to people experiencing respiratory distress, and must complete an initial training and subsequent training every two years.

Liability protection. Unless damages are caused by willful or wanton conduct, a school, school district, or employee is immune from civil liability related to administration of an inhaler to a student believed to be in respiratory distress. The bill also provide immunity from criminal liability or civil action to an authorizing entity, training provider, prescriber, or individual who administers the inhalers.

Finally, the bill specifies that certain medical licensees with prescriptive authority are not subject to disciplinary action for issuing standing orders for inhalers to public schools, and for actions taken by a school nurse or designated school personnel.

State Revenue

To the extent that the bill decreases the number of civil cases filed, state revenue from filing fees will decrease. Any decrease is expected to be minimal.

State Expenditures

Beginning in FY 2020-21, the bill modifies state workload in several state agencies, as discussed below. No change in appropriations is required.

Colorado Department of Education. The bill increases workload for the CDE to conduct rulemaking in conjunction with the CDPHE, and to provide guidance to districts that is similar to the guidance currently provided on the administration of epinephrine auto-injectors. Rulemaking and the updates to guidance materials are each expected to require about 40 hours of staff time. In addition, CDE school nurse consultants spend a portion of their time supporting school nurses in the field. Workload will increase for these consultants to provide support related to the stocking and administration of inhalers.

Colorado Department of Public Health and Environment. The bill increases workload for CDPHE to assist CDE with rulemaking, and to modify audits of school records. The fiscal note assumes that there will be no change in the number of audits conducted by CDPHE. The workload increase can be accomplished within current appropriations.

Judicial Department. The bill decreases workload in the trial courts in the Judicial Department as a result of fewer civil and criminal cases related to administration of an inhaler and fewer disciplinary actions related licensed medical personnel prescribing inhalers for a school or authorizing entity. The decrease in workload is expected to be minimal.

School District

The bill increases costs for any school district that chooses to purchase inhalers, train designated staff, and modify their policies. Costs may be offset for any district that receives grants or donations of inhalers.

Effective Date

The bill was postponed indefinitely by the House Education Committee on March 5, 2020.

State and Local Government Contacts

Education	Health Care Policy and Financing	Human Services
Information Technology	Judicial	Law
Public Health and Environment	Regulatory Agencies	School Districts