

SENATE THIRD READING
SB 1347 (Niello)
As Amended August 20, 2026
Majority vote

SUMMARY

Extends the authorization for school districts, county offices of education (COEs), and charter schools to provide and administer emergency stock albuterol inhalers, to apply to childcare programs operated by or under contract with a local educational agency (LEA), as well as their trained employees. Also authorizes pharmacies, as well as stock albuterol wholesalers and distributors to furnish stock albuterol inhalers to LEAs.

Major Provisions

- 1) Authorizes LEAs that operate or contract with a childcare program to provide emergency stock albuterol inhalers, including single-use disposable holding chambers, to school nurses or trained personnel who have volunteered to administer the medication.
- 2) Amends the definition of volunteer or trained personnel, authorized to administer stock albuterol under specified conditions, to include employees of a childcare program who have volunteered, received training, and are subject to liability limitations pursuant to existing law.
- 3) Authorizes childcare programs operated by or under contract with an LEA to designate one or more volunteers to receive initial and annual refresher training, as specified.
- 4) Adds childcare programs to the existing entities to which LEAs electing to utilize stock albuterol inhalers for emergency aid must distribute specified biannual notices.
- 5) Encourages and recommends each LEA, childcare program, and private school to have a minimum of two trained employees per school or childcare program site.
- 6) Requires that a prescription provided by an authorizing physician and surgeon include appropriate doses of available stock albuterol inhalers for the ages and weights of individuals at each school and childcare program site.
- 7) Amends the definition of volunteer or trained personnel, authorized to administer stock albuterol under specified conditions, to include employees of a childcare program who have volunteered, received training, and are subject to liability limitations pursuant to existing law.
- 8) Authorizes a pharmacy as well as a stock albuterol wholesaler or distributor to furnish stock albuterol inhalers to an LEA based upon a written order from an authorized prescriber.
- 9) Defines "childcare program" as a state or federally subsidized childcare program operated by, or under contract with, an LEA, including, but not limited to, a California state preschool program (CSPP) or Head Start program, or a childcare program, including but not limited to, general childcare and development (CCTR).

COMMENTS

Asthma in school-aged children. Asthma is a chronic lung disease and the leading cause of absenteeism for students. It affects 10% of school-aged children nationwide and accounts for 5.2 million absences annually. The California Department of Public Health (CDPH) reports that 1 in 7 Californians have asthma, and that 1 in 3 children with asthma miss school due to asthma-related illness. Asthma is the leading cause of chronic disease-related school absenteeism and is linked to lower academic performance, particularly in urban minority children. (O'Rourke, 2020)

Asthma often starts during childhood as children's immune systems are still developing. While the exact cause of asthma is unknown, certain factors combined can contribute to a child developing asthma.

According to the Author

"In 2023, the Legislature passed on a bi-partisan basis AB 1283 (Chen) [Chapter 574, Statutes of 2023] which authorized stock albuterol in public schools. This measure has helped safeguard children and has ensured our school health professionals have the necessary medication on hand at school to provide lifesaving treatment. According to the Allergy and Asthma Foundation of America (AFA), as many as 1 million California children suffer from asthma. In a classroom of 30 children, about 3 are likely to have asthma according to the CDC.

Albuterol is a prescribed medicine used to prevent and treat wheezing, difficulty breathing, chest tightness, and coughing caused by lung diseases such as asthma. Albuterol is in a class of medications called bronchodilators and works by relaxing and opening the air passages to the lungs to make breathing easier.

Since the passage of AB 1283 (Chen, 2023), the state has made access to preschool a priority and is now expanding to Universal Preschool. This prioritization means the traditional definitions of "school" hasn't always been clear in the education code whether it included preschool. Some school districts have expressed confusion if they are supposed to be providing the stock albuterol in their preschool programs. Clarity in statute is needed for schools to ensure they do not have any exposed liability for their preschool students. This is consistent with the passage of SB 568 (Niello) in 2025 which clarified the stock epinephrine in schools program also applied to preschool."

Arguments in Support

The California School Nurses Organization writes, "Asthma is one of the most prevalent chronic conditions affecting school-age children in the United States, and California is no exception. As health care providers on the front lines, school nurses see firsthand how quickly respiratory distress can escalate. Approximately 1 in 12 children has asthma, and schools are among the most common settings where acute asthma attacks occur. A child experiencing a severe asthma attack who cannot immediately access a bronchodilator like albuterol faces a serious risk of hospitalization, or worse.

Current California law permits schools to stock emergency inhalers, but ambiguities in the statutory framework have left some program operators uncertain about whether they are authorized to do so. As a result, children in certain school settings may have no access to treatment at all if they either forget their own inhaler or have a new or previously undiagnosed case of asthma. Clarifying the law to affirmatively authorize all school programs to stock and administer albuterol inhalers ensures that school nurses and trained staff can act confidently

during a medical emergency without administrative confusion. The bill also maintains this provision as an authorization, rather than a requirement, maintaining local flexibility and allowing for communities to decide what is best for them."

Arguments in Opposition

None on file

FISCAL COMMENTS

This bill has been keyed non-fiscal by the Office of Legislative Counsel.

VOTES**SENATE FLOOR: 36-0-4**

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Becker, Blakespear, Cabaldon, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERNEY, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Weber Pierson, Wiener

ABS, ABST OR NV: Arreguín, Caballero, Valladares, Wahab

ASM EDUCATION: 8-0-1

YES: Patel, Hoover, Ahrens, Bonta, Castillo, Garcia, Lowenthal, Pellerin

ABS, ABST OR NV: Zbur

ASM BUSINESS AND PROFESSIONS: 19-0-0

YES: Berman, Johnson, Addis, Ahrens, Alanis, Bains, Bauer-Kahan, Caloza, Chen, Elhawary, Hadwick, Haney, Hart, Irwin, Jackson, Lowenthal, Macedo, Nguyen, Pellerin

UPDATED

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