Date of Hearing: August 25, 2026

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS
Marc Berman, Chair
SB 1347 (Niello) – As Amended August 20, 2026

NOTE: This bill is being heard pursuant to Assembly Rule 77.2.

SENATE VOTE: 36-0

SUBJECT: Pupil health: emergency stock albuterol inhalers

SUMMARY: Authorizes a pharmacy to furnish stock albuterol inhalers to a local educational agency (LEA) pursuant to a written order from an authorized prescribe and extends the current authorization for LEAs to provide and administer emergency stock albuterol inhalers to childcare programs operated by or under contract with an LEA, as well as their trained employees.

EXISTING LAW:

1) Establishes the California State Board of Pharmacy (BOP) within the Department of Consumer Affairs to administer and enforce the Pharmacy Law. (Business and Professions Code (BPC) §§ 4000 *et seq.*)

2) Defines "pharmacy" as an area, place, or premises licensed by the BOP in which the profession of pharmacist is practiced and where prescriptions are compounded, including any where controlled substances, dangerous drugs, or dangerous devices are stored, possessed, prepared, manufactured, derived, compounded, or repackaged, and from which the controlled substances, dangerous drugs, or dangerous devices are furnished, sold, or dispensed at retail. (BPC § 4037)

3) Declares pharmacist practice to be a dynamic, patient-oriented health service that applies a scientific body of knowledge to improve and promote patient health by means of patient-care activities to optimize appropriate drug use, drug-related therapy, disease management and prevention, and communication for clinical and consultative purposes. (BPC § 4050)

4) Authorizes a pharmacist to perform specified functions and provide specified services as part of their scope of practice, including furnishing certain medications, performing certain procedures, administering drugs and biological products, ordering and interpreting tests, and providing consultation, training, and education to patients. (BPC § 4052)

5) Prohibits the furnishing of any dangerous drug or device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor. (BPC § 4059)

6) Authorizes a pharmacy to furnish epinephrine delivery systems to a local educational agency if specified conditions are met. (BPC § 4119.2)

7) Authorizes a pharmacy to furnish naloxone hydrochloride or another opioid antagonist to a school district, county office of education, or charter school if specified conditions are met. (BPC § 4119.8)

8) Requires LEAs to provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code (EDC) § 49414)

9) Authorizes LEAs to provide emergency naloxone hydrochloride or another opioid antagonist to school nurses or trained personnel who have volunteered to administer the medication, and allows for those school nurses or trained personnel to use naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EDC § 49414.3)

10) Authorizes school districts, county offices of education, and charter schools to provide emergency stock albuterol inhalers, including, if necessary, single-use disposable holding chambers, to school nurses or trained personnel who have volunteered to administer the medication, and authorizes those school nurses or trained personnel to use an emergency stock albuterol inhaler to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from respiratory distress. (EDC § 49414.7)

THIS BILL:

1) Allows for a pharmacy to furnish stock albuterol inhalers to an LEA pursuant to a written order from an authorized prescriber pursuant to provisions of the Education Code allowing school nurses or trained volunteer personnel to use emergency stock albuterol inhalers.

2) Expands the authority of LEAs to provide and administer emergency stock albuterol inhalers to include childcare programs operated by or under contract with an LEA, as well as their trained employees.

3) 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.

4) 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.

5) Adds childcare programs to the existing entities to which LEAs electing to utilize stock albuterol inhalers for emergency aid must distribute specified biannual notices.

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) Defines “childcare program” as a state or federally subsidized childcare program operated by, or under contract with, an LEA, including specified programs.

FISCAL EFFECT: This bill is keyed nonfiscal by the Legislative Counsel.

COMMENTS:

Purpose. This bill is sponsored by the author. According to the author:

> In 2023, the Legislature passed on a bi-partisan basis AB 1283 (Chen), 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. 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 and other programs. Clarity in statute is needed for schools to ensure they do not have any exposed liability for their 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.

Background.

California State Board of Pharmacy. The BOP is the regulatory body responsible for overseeing pharmacies and pharmacist practice in California. As of 2025, the BOP is estimated to regulate over 50,700 pharmacists, 1,300 advanced practice pharmacists, 4,400 intern pharmacists, and 65,700 pharmacy technicians across 32 distinct licensing programs. In addition to regulating professionals, the BOP licenses and oversees pharmacies, clinics, wholesalers, third-party logistic providers, and automated drug delivery systems.

As one of approximately three dozen boards and bureaus under the Department of Consumer Affairs, the BOP plays an important role in the regulatory ecosystem that oversees the healing arts. In the face of persistent concerns such as the opioid crisis, the BOP is empowered to ensure that dangerous drugs and controlled substances are dispensed and furnished only under lawful circumstances. Under regulations enforced by the BOP, pharmacists are tasked with a corresponding responsibility for ensuring that the prescriptions they fill are legitimate and not for purposes of abuse. Entrusted with administering and enforcing the state's Pharmacy Law, statute provides that "protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions."

Furnishing Directly to Local Education Agencies. The Pharmacy Law generally requires the furnishing of drugs or devices by a pharmacist to be pursuant to a valid prescription for a specific patient. However, there are several exceptions that allow for a pharmacy to furnish specified drugs or devices directly to a local agency so that it may be administered to an unidentified individual who may later be in need. For example, current law authorizes a pharmacy to furnish epinephrine delivery systems to a local educational agency. The Pharmacy Law similarly allows a pharmacy to furnish naloxone hydrochloride or another opioid antagonist to an LEA or a law enforcement agency, subject to respective conditions.

Access to Asthma Medication in Schools. The Legislature enacted AB 1283 (Chen) in 2023, which authorized an LEA to make emergency stock albuterol inhalers available at school districts, county offices of education, and charter schools. The bill additionally authorized school nurses or trained personnel who have volunteered to administer an albuterol inhaler to persons suffering from, or reasonably believed to be suffering from, respiratory distress. The provisions of the bill were voluntary, but schools were encouraged and recommended to have a minimum of two trained school employees.

As discussed in the Assembly Committee on Education, asthma is a chronic lung disease and the leading cause of absenteeism for students, affecting approximately 10 percent of school-aged children nationwide and accounting for 5.2 million absences annually. The California Department of Public Health (CDPH) reports that one in seven Californians have asthma, and that one in three children with asthma miss school due to asthma-related illness. The CDPH states that people with uncontrolled asthma may need to visit the emergency department in order to receive help with managing an asthma attack; in 2024, asthma was the primary reason for 145,000 emergency department visits in California.

In August 2026, Governor Gavin Newsom announced the CalRx School Albuterol Access Initiative, a partnership with Amneal Pharmaceuticals intended to create "a simple statewide system to supply public and charter schools with emergency albuterol inhalers and spacers at no cost for three years." The press release further announced that CalRx would partner with the California School Nurses Organization to provide asthma and stock albuterol training guidelines to public school districts at no cost. The director of CDPH has issued an albuterol "standing order" for school use, replacing the need for schools to obtain an individual prescription from a physician.

Existing law authorizes an LEA, including a school district, county office of education, or charter school, to provide emergency stock albuterol inhalers to school nurses or trained personnel and authorizes those individuals to use an emergency stock albuterol inhaler to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from respiratory distress. This bill would extend that same authority to childcare programs operated by or under contract with an LEA, such as a California state preschool program, Head Start program, or a general childcare and development program. The bill provides liability protection to the childcare staff administering the medication. This language falls within the jurisdiction of the Assembly Committee on Education, which previously considered and passed this bill.

Additionally, this bill now authorizes a pharmacy to furnish stock albuterol inhalers to an LEA pursuant to a written order from an authorized prescriber pursuant to the Education Code. This authority would mirror existing provisions for pharmacies to furnish epinephrine delivery systems and opioid antagonists to LEAs. The author believes that this additional authority will enhance the ability of LEAs to stock and administer albuterol inhalers in school settings when needed, consistent with the state's broader efforts to address asthma among students.

Prior Related Legislation. AB 1283 (Chen), Chapter 574, Statutes of 2023 authorized an LEA to make emergency stock albuterol inhalers available at school districts, county offices of education, and charter schools and authorized school nurses or trained personnel who have volunteered to administer an albuterol inhaler to persons suffering from, or reasonably believed to be suffering from, respiratory distress.

AB 1748 (Mayes) authorized a pharmacy to furnish naloxone hydrochloride or another opioid antagonist to an LEA.

AB 559 (Wiggins) authorized a pharmacy to furnish epinephrine auto-injectors to an LEA.

ARGUMENTS IN SUPPORT:

The *California School Nurses Organization* supports this bill, writing: "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:

There is no opposition on file.

REGISTERED SUPPORT:

Alameda County Office of Education
Alameda County School Nurse Network
American Medical Response West
Association of California School Administrators
Asthma and Allergy Foundation of America
California School Nurses Organization
California Society for Allergy, Asthma and Immunology
California Society for Respiratory Care
Small School Districts Association

REGISTERED OPPOSITION:

None on file

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