

Public Law 116–292  
116th Congress

An Act

Jan. 5, 2021  
[H.R. 2468]

To amend the Public Health Service Act to increase the preference given, in awarding certain allergies and asthma-related grants, to States that require certain public schools to have allergies and asthma management programs, and for other purposes.

School-Based  
Allergies and  
Asthma  
Management  
Program Act.  
42 USC 201 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “School-Based Allergies and Asthma Management Program Act”.

**SEC. 2. ADDITIONAL PREFERENCE TO CERTAIN STATES THAT REQUIRE CERTAIN PUBLIC SCHOOLS TO HAVE ALLERGIES AND ASTHMA MANAGEMENT PROGRAMS.**

Section 399L(d) of the Public Health Service Act (42 U.S.C. 280g(d)) is amended—

(1) in paragraph (1)(F)—

(A) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and moving each of such subclauses (as so redesignated) 2 ems to the right;

(B) by striking “EPINEPHRINE.—In determining” and inserting “EPINEPHRINE OR SCHOOL COMPREHENSIVE ALLERGIES AND ASTHMA MANAGEMENT PROGRAM.—

“(i) IN GENERAL.—In determining”;

(C) by striking “in the State—” and inserting “in the State satisfy the criteria described in clause (ii) or clause (iii).

“(ii) CRITERIA FOR SCHOOL PERSONNEL ADMINISTRATION OF EPINEPHRINE.—For purposes of clause (i), the criteria described in this clause, with respect to each public elementary school and secondary school in the State, are that each such school—”; and

(D) by adding at the end the following new clause:

“(iii) CRITERIA FOR SCHOOL COMPREHENSIVE ALLERGIES AND ASTHMA MANAGEMENT PROGRAM.—For purposes of clause (i), the criteria described in this clause, with respect to each public elementary school and secondary school in the State, are that each such school—

“(I) has in place a plan for having on the premises of the school during all operating hours of the school a school nurse or one or more other individuals who are designated by the principal (or other appropriate administrative staff) of the school to direct and apply the program described

in subclause (II) on a voluntary basis outside their scope of employment; and

“(II) has in place, under the direction of a school nurse or other individual designated under subclause (I), a comprehensive school-based allergies and asthma management program that includes—

“(aa) a method to identify all students of such school with a diagnosis of allergies and asthma;

“(bb) an individual student allergies and asthma action plan for each student of such school with a diagnosis of allergies and asthma;

“(cc) allergies and asthma education for school staff who are directly responsible for students who have been identified as having allergies or asthma, such as education regarding basics, management, trigger management, and comprehensive emergency responses with respect to allergies and asthma;

“(dd) efforts to reduce the presence of environmental triggers of allergies and asthma; and

“(ee) a system to support students with a diagnosis of allergies or asthma through coordination with family members of such students, primary care providers of such students, primary asthma or allergy care providers of such students, and others as necessary.”; and

(2) in paragraph (3)(E)—

(A) in the matter preceding clause (i), by inserting “, such as the school nurse” after “individual”; and

(B) in clause (i), by inserting “school nurse or” before “principal”.

Approved January 5, 2021.

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LEGISLATIVE HISTORY—H.R. 2468:

HOUSE REPORTS: No. 116–530 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 166 (2020):

Sept. 29, considered and passed House.

Dec. 17, considered and passed Senate.