
SECOND SUBSTITUTE HOUSE BILL 2390

State of Washington

65th Legislature

2018 Regular Session

By House Appropriations (originally sponsored by Representatives Pollet, Haler, Tarleton, McBride, Peterson, Dolan, Frame, Valdez, Kilduff, Senn, Stanford, Kloba, Clibborn, Macri, Ryu, Doglio, Riccelli, and Gregerson)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to opioid overdose medication at kindergarten
2 through twelfth grade schools and higher education institutions;
3 amending RCW 28A.210.260 and 28A.210.270; adding new sections to
4 chapter 28A.210 RCW; adding a new section to chapter 28B.10 RCW; and
5 creating a new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) According to the centers for disease control and prevention,
9 the United States is in the midst of an opioid overdose epidemic;

10 (b) In 2015, opioids, including prescription opioids, heroin, and
11 fentanyl, killed more than thirty-three thousand people in the United
12 States. In 2016, opioids killed six hundred ninety-four people in
13 Washington and caused over one thousand four hundred hospitalizations
14 for opioid overdose;

15 (c) One way to prevent opioid overdose deaths is to expand access
16 to and use of nonaddictive, opioid overdose medications, such as
17 naloxone, that can reverse the effects of an opioid overdose when
18 administered in time;

19 (d) The centers for disease control and prevention indicates that
20 access to naloxone can be expanded through: Standing orders at
21 pharmacies; distribution through local, community-based

1 organizations; access to and use by law enforcement officials; and
2 training for basic emergency medical service staff on how to
3 administer the drug;

4 (e) In 2016, syringe service programs in Washington distributed
5 three thousand six hundred forty naloxone kits and reported six
6 hundred ninety overdose reversals; and

7 (f) It is unknown: How many opioid overdose incidents occur on
8 the property of kindergarten through twelfth grade schools and higher
9 education institutions each year; whether these schools and
10 institutions maintain opioid overdose medication through a standing
11 order for the purpose of assisting a person at risk of experiencing
12 an opioid-related overdose; or whether these schools and institutions
13 train staff to administer opioid overdose medication.

14 (2) The legislature recognizes that it has taken steps to respond
15 to the opioid overdose epidemic, including: (a) Permitting health
16 care practitioners to administer, prescribe, and dispense opioid
17 overdose medication to any person who may be present at an overdose;
18 (b) permitting people who may be present at an opioid overdose to
19 possess and administer opioid overdose medication prescribed by an
20 authorized health care practitioner; (c) limiting the liability of
21 practitioners, pharmacists, and other people who possess and
22 administer naloxone; and (d) limiting the liability of people
23 experiencing a drug-related overdose who are in need of medical
24 assistance and people acting in good faith to seek medical assistance
25 for someone experiencing a drug-related overdose.

26 (3) Using its general police power to prescribe laws tending to
27 promote the health and welfare of the people of the state, the
28 legislature intends to increase access to opioid overdose medication
29 at kindergarten through twelfth grade schools and higher education
30 institutions.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210
32 RCW to read as follows:

33 (1) For the purposes of this section:

34 (a) "Opioid overdose medication" has the meaning provided in RCW
35 69.41.095;

36 (b) "Opioid-related overdose" has the meaning provided in RCW
37 69.41.095;

1 (c) "School" means a public school, school district, or
2 educational service district with any of grades kindergarten through
3 twelve; and

4 (d) "Standing order" has the meaning provided in RCW 69.41.095.

5 (2)(a)(i) For the purpose of assisting a person at risk of
6 experiencing an opioid-related overdose, a school may obtain and
7 maintain opioid overdose medication through a standing order
8 prescribed and dispensed in accordance with RCW 69.41.095.

9 (ii) Each high school is encouraged to obtain and maintain at
10 least one set of opioid overdose medication doses.

11 (b) Opioid overdose medication may be obtained from donation
12 sources, but must be maintained and administered in a manner
13 consistent with a standing order issued in accordance with RCW
14 69.41.095.

15 (3)(a) The following personnel may distribute or administer the
16 school-owned opioid overdose medication to respond to symptoms of an
17 opioid-related overdose pursuant to a prescription or a standing
18 order issued in accordance with RCW 69.41.095: (i) A school nurse;
19 (ii) a health care professional or trained staff person located at a
20 health care clinic on public school property or under contract with
21 the school district; or (iii) designated trained school personnel.

22 (b) Opioid overdose medication may be used on school property,
23 including the school building, playground, and school bus, as well as
24 during field trips or sanctioned excursions away from school
25 property. A school nurse or designated trained school personnel may
26 carry an appropriate supply of school-owned opioid overdose
27 medication on field trips or sanctioned excursions.

28 (4) Training for school personnel who have been designated to
29 distribute or administer opioid overdose medication under this
30 section must meet the requirements for training described in section
31 3 of this act and any rules or guidelines for such training adopted
32 by the office of the superintendent of public instruction. Each high
33 school is encouraged to designate and train at least one school
34 personnel to distribute and administer opioid overdose medication if
35 the high school does not have a full-time school nurse or trained
36 health care clinic staff.

37 (5)(a) The liability of a person or entity who complies with this
38 section and RCW 69.41.095 is limited as described in RCW 69.41.095.

39 (b) If a student is injured or harmed due to the administration
40 of opioid overdose medication that a practitioner, as defined in RCW

1 69.41.095, has prescribed and a pharmacist has dispensed to a school
2 under this section, the practitioner and pharmacist may not be held
3 responsible for the injury unless he or she acted with conscious
4 disregard for safety.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.210
6 RCW to read as follows:

7 (1) For the purposes of this section:

8 (a) "Opioid overdose medication" has the meaning provided in RCW
9 69.41.095; and

10 (b) "Opioid-related overdose" has the meaning provided in RCW
11 69.41.095.

12 (2)(a) To prevent opioid-related overdoses and respond to medical
13 emergencies resulting from overdoses, by the 2018-19 school year, the
14 office of the superintendent of public instruction, in consultation
15 with the department of health, shall develop opioid-related overdose
16 policy guidelines and training requirements for public schools and
17 school districts.

18 (b)(i) The opioid-related overdose policy guidelines and training
19 requirements must include information about: The identification of
20 opioid-related overdose symptoms; how to obtain and maintain opioid
21 overdose medication on school property issued through a standing
22 order in accordance with section 2 of this act; the distribution and
23 administration of opioid overdose medication by designated trained
24 school personnel; and sample standing orders for opioid overdose
25 medication.

26 (ii) The opioid-related overdose policy guidelines may: Include
27 recommendations for the storage and labeling of opioid overdose
28 medications that are based on input from relevant health agencies or
29 experts; and allow for opioid-related overdose medications to be
30 obtained, maintained, distributed, and administered by health care
31 professionals and trained staff located at a health care clinic on
32 public school property or under contract with the school district.

33 (c) In addition to being offered by the school, training on the
34 distribution or administration of opioid overdose medication that
35 meets the requirements of this subsection (2) may be offered by
36 nonprofit organizations, higher education institutions, and local
37 public health organizations.

38 (3) Beginning January 1, 2019, the following school districts
39 must adopt a policy that meets the requirements of subsection (2) of

1 this section: (a) School districts with a school that obtains,
2 maintains, distributes, or administers opioid overdose medication
3 under section 2 of this act; and (b) school districts with two
4 thousand or more students.

5 (4) Subject to the availability of amounts appropriated for this
6 specific purpose, the office of the superintendent of public
7 instruction shall develop and administer a grant program to provide
8 funding to public schools with any of grades kindergarten through
9 twelve and public higher education institutions to train personnel on
10 the administration of opioid overdose medication to respond to
11 symptoms of an opioid-related overdose. The office must publish on
12 its web site a list of annual grant recipients, including award
13 amounts.

14 **Sec. 4.** RCW 28A.210.260 and 2017 c 186 s 2 are each amended to
15 read as follows:

16 (1) Public school districts and private schools which conduct any
17 of grades kindergarten through the twelfth grade may provide for the
18 administration of oral medication, topical medication, eye drops, ear
19 drops, or nasal spray, of any nature to students who are in the
20 custody of the school district or school at the time of
21 administration, but are not required to do so by this section,
22 subject to the following conditions:

23 ~~((1))~~ (a) The board of directors of the public school district
24 or the governing board of the private school or, if none, the chief
25 administrator of the private school shall adopt policies which
26 address the designation of employees who may administer oral
27 medications, topical medications, eye drops, ear drops, or nasal
28 spray to students, the acquisition of parent requests and
29 instructions, and the acquisition of requests from licensed health
30 professionals prescribing within the scope of their prescriptive
31 authority and instructions regarding students who require medication
32 for more than fifteen consecutive school days, the identification of
33 the medication to be administered, the means of safekeeping
34 medications with special attention given to the safeguarding of
35 legend drugs as defined in chapter 69.41 RCW, and the means of
36 maintaining a record of the administration of such medication;

37 ~~((2))~~ (b) The board of directors shall seek advice from one or
38 more licensed physicians or nurses in the course of developing the
39 foregoing policies;

1 ~~((3))~~ (c) The public school district or private school is in
2 receipt of a written, current and unexpired request from a parent, or
3 a legal guardian, or other person having legal control over the
4 student to administer the medication to the student;

5 ~~((4))~~ (d) The public school district or the private school is
6 in receipt of ~~((a))~~: (i) A written, current and unexpired request
7 from a licensed health professional prescribing within the scope of
8 his or her prescriptive authority for administration of the
9 medication, as there exists a valid health reason which makes
10 administration of such medication advisable during the hours when
11 school is in session or the hours in which the student is under the
12 supervision of school officials~~((7))~~; and ~~((b))~~ (ii) written,
13 current and unexpired instructions from such licensed health
14 professional prescribing within the scope of his or her prescriptive
15 authority regarding the administration of prescribed medication to
16 students who require medication for more than fifteen consecutive
17 workdays;

18 ~~((5))~~ (e) The medication is administered by an employee
19 designated by or pursuant to the policies adopted pursuant to (a) of
20 this subsection ~~((1) of this section))~~ and in substantial compliance
21 with the prescription of a licensed health professional prescribing
22 within the scope of his or her prescriptive authority or the written
23 instructions provided pursuant to (d) of this subsection ~~((4) of
24 this section))~~. If a school nurse is on the premises, a nasal spray
25 that is a legend drug or a controlled substance must be administered
26 by the school nurse. If no school nurse is on the premises, a nasal
27 spray that is a legend drug or a controlled substance may be
28 administered by a trained school employee or parent-designated adult
29 who is not a school nurse. The board of directors shall allow school
30 personnel, who have received appropriate training and volunteered for
31 such training, to administer a nasal spray that is a legend drug or a
32 controlled substance. After a school employee who is not a school
33 nurse administers a nasal spray that is a legend drug or a controlled
34 substance, the employee shall summon emergency medical assistance as
35 soon as practicable;

36 ~~((6))~~ (f) The medication is first examined by the employee
37 administering the same to determine in his or her judgment that it
38 appears to be in the original container and to be properly labeled;
39 and

1 ~~((7))~~ (g) The board of directors shall designate a professional
2 person licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as
3 it applies to registered nurses and advanced registered nurse
4 practitioners, to delegate to, train, and supervise the designated
5 school district personnel in proper medication procedures;

6 ~~((8)(a)) For the purposes of this section, "parent-designated
7 adult" means a volunteer, who may be a school district employee, who
8 receives additional training from a health care professional or
9 expert in epileptic seizure care selected by the parents, and who
10 provides care for the child consistent with the individual health
11 plan.~~

12 ~~(b))~~ (h) To be eligible to be a parent-designated adult, a
13 school district employee not licensed under chapter 18.79 RCW must
14 file, without coercion by the employer, a voluntary written, current,
15 and unexpired letter of intent stating the employee's willingness to
16 be a parent-designated adult. If a school employee who is not
17 licensed under chapter 18.79 RCW chooses not to file a letter under
18 this section, the employee shall not be subject to any employer
19 reprisal or disciplinary action for refusing to file a letter;

20 ~~((9))~~ (i) The board of directors shall designate a professional
21 person licensed under chapter 18.71, 18.57, or 18.79 RCW as it
22 applies to registered nurses and advanced registered nurse
23 practitioners, to consult and coordinate with the student's parents
24 and health care provider, and train and supervise the appropriate
25 school district personnel in proper procedures for care for students
26 with epilepsy to ensure a safe, therapeutic learning environment.
27 Training may also be provided by an epilepsy educator who is
28 nationally certified. Parent-designated adults who are school
29 employees are required to receive the training provided under this
30 subsection. Parent-designated adults who are not school employees
31 must show evidence of comparable training. The parent-designated
32 adult must also receive additional training as established in
33 subsection ~~((8)(a))~~ (2) of this section for the additional care the
34 parents have authorized the parent-designated adult to provide. The
35 professional person designated under this subsection is not
36 responsible for the supervision of the parent-designated adult for
37 those procedures that are authorized by the parents;

38 ~~((10))~~ (j) This section does not apply to topical sunscreen
39 products regulated by the United States food and drug administration

1 for over-the-counter use. Provisions related to possession and
2 application of topical sunscreen products are in RCW 28A.210.278; and

3 (k) This section does not apply to opioid overdose medication.
4 Provisions related to maintenance and administration of opioid
5 overdose medication are in section 2 of this act.

6 (2) For the purposes of this section, "parent-designated adult"
7 means a volunteer, who may be a school district employee, who
8 receives additional training from a health care professional or
9 expert in epileptic seizure care selected by the parents, and who
10 provides care for the child consistent with the individual health
11 plan.

12 **Sec. 5.** RCW 28A.210.270 and 2013 c 180 s 2 are each amended to
13 read as follows:

14 (1) In the event a school employee administers oral medication,
15 topical medication, eye drops, ear drops, or nasal spray to a student
16 pursuant to RCW 28A.210.260 in substantial compliance with the
17 prescription of the student's licensed health professional
18 prescribing within the scope of the professional's prescriptive
19 authority or the written instructions provided pursuant to RCW
20 28A.210.260(~~(+4)~~) (1)(d), and the other conditions set forth in RCW
21 28A.210.260 have been substantially complied with, then the employee,
22 the employee's school district or school of employment, and the
23 members of the governing board and chief administrator thereof shall
24 not be liable in any criminal action or for civil damages in their
25 individual or marital or governmental or corporate or other
26 capacities as a result of the administration of the medication.

27 (2) The administration of oral medication, topical medication,
28 eye drops, ear drops, or nasal spray to any student pursuant to RCW
29 28A.210.260 may be discontinued by a public school district or
30 private school and the school district or school, its employees, its
31 chief administrator, and members of its governing board shall not be
32 liable in any criminal action or for civil damages in their
33 governmental or corporate or individual or marital or other
34 capacities as a result of the discontinuance of such administration:
35 PROVIDED, That the chief administrator of the public school district
36 or private school, or his or her designee, has first provided actual
37 notice orally or in writing in advance of the date of discontinuance
38 to a parent or legal guardian of the student or other person having
39 legal control over the student.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.10
2 RCW to read as follows:
3 (1) For the purposes of this section:
4 (a) "Opioid overdose medication" has the meaning provided in RCW
5 69.41.095; and
6 (b) "Opioid-related overdose" has the meaning provided in RCW
7 69.41.095.
8 (2) By the beginning of the 2018-19 academic year, a public
9 institution of higher education with a residence hall housing at
10 least one hundred students must develop a plan: (a) For the
11 maintenance and administration of opioid overdose medication in and
12 around the residence hall; and (b) for the training of designated
13 personnel to administer opioid overdose medication to respond to
14 symptoms of an opioid-related overdose. The plan may identify: The
15 ratio of residents to opioid overdose medication doses; the
16 designated trained personnel, who may include residence hall
17 advisers; and whether the designated trained personnel covers more
18 than one residence hall.

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