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**ENGROSSED SUBSTITUTE HOUSE BILL 1608**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House Education (originally sponsored by Representatives Bronoske, Simmons, Duerr, Ramel, Wylie, Paul, Jacobsen, Macri, Kloba, Leavitt, and Reed)

AN ACT Relating to expanding access to anaphylaxis medications in schools; amending RCW 28A.210.383; and adding a new section to chapter 43.70 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.70 RCW to read as follows:

The secretary or the secretary's designee, if a licensed health professional with the authority to prescribe epinephrine, shall, as is consistent with the exercise of sound professional judgment, issue a statewide standing order prescribing epinephrine and epinephrine autoinjectors to any school district or school for use by a school nurse or other designated trained school personnel, as authorized under RCW 28A.210.383, for any student or individual experiencing anaphylaxis on school property, a school bus, a field trip, or designated school activity.

**Sec.**  RCW 28A.210.383 and 2014 c 34 s 1 are each amended to read as follows:

(1) School districts and nonpublic schools may maintain at a school in a designated location a supply of epinephrine and epinephrine autoinjectors based on the number of students enrolled in the school.

(2)(a) A licensed health professional with the authority to prescribe epinephrine ((~~autoinjectors~~)), including, but not limited to, the secretary of health or the secretary's designee in accordance with section 1 of this act, may prescribe epinephrine, including epinephrine autoinjectors, in the name of the school district or school to be maintained for use when necessary. Epinephrine prescriptions must be accompanied by a standing order issued in accordance with this section or section 1 of this act for the administration of school-supplied, undesignated epinephrine and epinephrine autoinjectors for potentially life-threatening allergic reactions.

(b) There are no changes to current prescription or self-administration practices for children with existing epinephrine autoinjector prescriptions or a guided anaphylaxis care plan.

(c) Epinephrine and epinephrine autoinjectors may be obtained from donation sources, but must be accompanied by a prescription.

(3)(a) When a student has a prescription for an epinephrine autoinjector on file, the school nurse ((~~or~~)) may utilize the school district or school supply of epinephrine and the school nurse and the designated trained school personnel may utilize the school district or school supply of epinephrine autoinjectors to respond to an anaphylactic reaction under a standing protocol according to RCW 28A.210.380.

(b) When a student does not have an epinephrine autoinjector or prescription for an epinephrine autoinjector on file, the school nurse may utilize the school district or school supply of epinephrine or epinephrine autoinjectors to respond to an anaphylactic reaction under a standing protocol according to RCW ((~~28A.210.300~~)) 28A.210.380.

(c) Epinephrine and epinephrine autoinjectors may be used on school property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from school property. The school nurse or designated trained school personnel may carry an appropriate supply of school-owned epinephrine or epinephrine autoinjectors on field trips or excursions.

(4)(a) If a student is injured or harmed due to the administration of epinephrine that a licensed health professional with prescribing authority has prescribed and a pharmacist has dispensed to a school under this section, the licensed health professional with prescribing authority and pharmacist may not be held responsible for the injury unless he or she issued the prescription with a conscious disregard for safety.

(b) In the event a school nurse or other school employee administers epinephrine in substantial compliance with a student's prescription that has been prescribed by a licensed health professional within the scope of the professional's prescriptive authority or by statewide standing order in accordance with section 1 of this act, if applicable, and written policies of the school district or private school, then the school employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing the epinephrine.

(c) School employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to the use of epinephrine autoinjectors as a specific part of their job description, may file with the school district a written letter of refusal to use epinephrine autoinjectors. This written letter of refusal may not serve as grounds for discharge, nonrenewal of an employment contract, or other action adversely affecting the employee's contract status.

((~~(5) The office of the superintendent of public instruction shall review the anaphylaxis policy guidelines required under RCW 28A.210.380 and make a recommendation to the education committees of the legislature by December 1, 2013, based on student safety, regarding whether to designate other trained school employees to administer epinephrine autoinjectors to students without prescriptions for epinephrine autoinjectors demonstrating the symptoms of anaphylaxis when a school nurse is not in the vicinity.~~))

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