

HOUSE BILL REPORT

HB 2360

As Reported by House Committee On:
Education

Title: An act relating to expanding access to albuterol in public and private schools.

Brief Description: Expanding access to albuterol in public and private schools.

Sponsors: Representatives Donaghy, Reed, Engell, Bronoske, Zahn, Thomas, Ormsby, Fosse, Salahuddin, Hill and Pollet.

Brief History:

Committee Activity:

Education: 1/19/26, 2/2/26 [DPS].

Brief Summary of Substitute Bill

- Authorizes public and private schools to maintain and administer school-supplied albuterol in accordance with specified requirements.
- Provides a uniform procedure, includes employee opt-out provisions, and establishes limits on liability for public and private schools.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Shavers, Vice Chair; Keaton, Assistant Ranking Minority Member; Bergquist, Callan, Chase, Couture, Donaghy, Eslick, Marshall, Ortiz-Self, Pollet, Reeves, Rule, Scott, Steele and Stonier.

Minority Report: Without recommendation. Signed by 2 members: Representatives Rude, Ranking Minority Member; McEntire.

Staff: Megan Wargacki (786-7194).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Asthma Management in Schools. School districts must adopt policies governing asthma rescue procedures for students. The Office of the Superintendent of Public Instruction and the Department of Health must develop a uniform policy addressing training requirements for school staff on symptoms, treatment, and monitoring of students with asthma.

A school district must permit a student with asthma to self-administer prescribed asthma medication at school and at school-sponsored activities when certain conditions are met. If a parent or guardian provides backup asthma medication, the school must store the medication in a location that the student has immediate access to during an emergency.

Medication Standing Orders. The Secretary of Health (Secretary), or the Secretary's designee, has general authority to issue a prescription or standing order for a drug or device to treat any noninfectious disease or public health threat. The Secretary or designee may impose limitations on the use of any such prescription or standing order and should include appropriate recommendations for follow-up care.

Summary of Substitute Bill:

School Use of Albuterol. Beginning with the 2027-28 school year, public and private schools may maintain a supply of albuterol aerosol, powder, or solution for use in an inhaler or nebulizer (school-supplied albuterol) in a designated location on school property. School-supplied albuterol prescriptions must be accompanied by a standing order authorizing its administration for the management of respiratory symptoms, including breathing difficulties caused by conditions such as asthma.

School-supplied albuterol must be accessed and administered in accordance with the uniform procedure for the management of respiratory symptoms as follows:

- a. If the student has a prescription for albuterol on file, a school nurse or designated trained school personnel may administer school-supplied albuterol.
- b. If the student does not possess albuterol or have a prescription for albuterol on file, only a school nurse may administer school-supplied albuterol.

School-supplied albuterol may be maintained, accessed, and administered on public and private school property, including the school building and playground, on a school bus, and during field trips or sanctioned excursions away from school property. A school nurse or designated trained school personnel may transport and carry a reasonable quantity of school-supplied albuterol on field trips or excursions.

Uniform Procedure. By January 1, 2027, the Office of the Superintendent of Public Instruction and the Department of Health must include, within the uniform policy addressing school staff training requirements, a uniform procedure governing when school

nurses and designated trained school personnel access and administer school-supplied albuterol.

If a school district or public school elects to maintain school-supplied albuterol, it must incorporate the uniform procedure into its policies governing asthma rescue procedures for students.

Employee Opt-Out. A non-nurse employee who has not agreed in writing to include the management of albuterol as a specific part of the employee's job description may file with the school district or public school a written letter of refusal declining to manage albuterol. The letter of refusal may not serve as grounds for discharge or other adverse action affecting the employee's contract status. "Management of albuterol" means the storage, maintenance, access, administration, documentation, and transportation of albuterol in accordance with a standing order issued by the Secretary of Health (Secretary) or the Secretary's designee, and applicable written policies of the school district or public school.

Liability Protections. If a student is injured or harmed due to the administration of albuterol that was lawfully prescribed and dispensed, a licensed health professional may not be held responsible for the injury unless the prescription was issued with a conscious disregard for safety.

A school employee or contractor who administers albuterol in substantial compliance with a lawful albuterol prescription or standing order and written school policies is subject to limited civil and criminal liability. The same limitation applies to the individual's employing school or school district.

Substitute Bill Compared to Original Bill:

As compared to the original bill, the substitute bill removes the requirement for the Secretary of Health (Secretary) to issue a statewide standing order to any school to obtain and maintain albuterol for administration by a school nurse or other designated trained school personnel to any student or other individual experiencing respiratory symptoms on school property or at school activities.

The substitute bill instead relies on the Secretary's existing authority to issue a standing order for a drug or device to treat any noninfectious disease or public health threat.

It also uses the defined term "management of albuterol," rather than "use of albuterol," in the provision related to permitting non-nurse school employees who have not agreed to include the management of albuterol as part of their job description to file a written letter of refusal declining to manage albuterol.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Many conditions can cause acute respiratory distress at school, including anxiety, exercise-induced symptoms, and poor air quality or pollution. Asthma is a potentially fatal disease, and rapid access to albuterol can be lifesaving. When a student's personal inhaler is unavailable, because it is lost, damaged, expired, or not on site, school staff may have no immediate way to stabilize the student while waiting for first responders, particularly in rural areas where first responder arrival times may be longer.

Washington law already recognizes the value of "stock" emergency epinephrine in schools. This bill applies a similar framework to stock albuterol so that schools may respond promptly to respiratory distress. This is especially important because some students experience their first asthma event at school.

The Secretary of Health has authority to issue standing orders for drugs to treat diseases or address public health threats and is willing to work with school nurses to support school access to albuterol. However, given the prevalence of albuterol prescriptions in schools and increases in pediatric asthma diagnoses, relying solely on administrative processes could delay implementation. Legislation provides clearer statewide authorization and a more predictable path for schools that choose to participate.

Asthma affects a significant number of Washington students and is a leading cause of absenteeism. Exacerbations also impose costs on families through missed school and missed work. The bill is permissive for schools, and while it requires some coordination at the state level, the Office of the Superintendent of Public Instruction already has a working partnership with the Department of Health.

Stock albuterol policies are supported by multiple organizations, and available data indicates that, in many cases, students who receive stock albuterol are able to return to class rather than being sent home or transported for emergency care.

Asthma prevalence is higher among children of color, and respiratory symptoms can be exacerbated by environmental conditions such as wildfire smoke. Schools should be prepared to respond when students experience respiratory distress, and stock albuterol improves the likelihood that students can receive timely intervention during the school day.

(Opposed) None.

(Other) The bill does not propose a plan for educating school nurses. It would require

school nurses to carry out new responsibilities outside their existing clinical framework. The bill makes it difficult to estimate the true cost of implementation. It does not update the prototypical school funding model to reflect additional workload and resource needs. The workload of school nurses is already unsustainable and unsafe. Students deserve access to a school nurse in every school.

Persons Testifying: (In support) Representative Brandy Donaghy, prime sponsor; Lynnette Ondeck, School Nurse Organization of Washington; Wendy Jones, School Nurse Organization of Washington; Erica Hallock, School Nurse Organization of Washington; Misha Cherniske, Office of Superintendent of Public Instruction; and Robin Ortenberg.

(Other) Danielle Harvey.

Persons Signed In To Testify But Not Testifying: None.