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**SUBSTITUTE SENATE BILL 5951**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Cortes, Nobles, Orwall, Slatter, Stanford, and C. Wilson)

READ FIRST TIME 01/30/26.

1 AN ACT Relating to expanding access to albuterol in public and  
2 private schools; amending RCW 28A.210.370; and adding a new section  
3 to chapter 28A.210 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210  
6 RCW to read as follows:

7 (1)(a) Beginning in the 2027-28 school year, school districts and  
8 private schools are authorized to maintain a supply of albuterol at  
9 each school in a designated location.

10 (b) Albuterol may be acquired from donation sources, but it must  
11 be accompanied by a prescription.

12 (2)(a) A licensed health professional with the authority to  
13 prescribe albuterol may do so in the name of the school district or  
14 school to be maintained for use when necessary. Albuterol  
15 prescriptions must be accompanied by a standing order, issued in  
16 accordance with this section, authorizing the administration of  
17 school or school district-supplied, undesignated albuterol for the  
18 management of respiratory symptoms, including breathing difficulties  
19 caused by conditions such as asthma.

1 (b) Nothing in this section changes current prescription or self-  
2 administration practices for children with existing albuterol  
3 prescriptions under RCW 28A.210.370.

4 (3) Albuterol from the school or school district supply  
5 authorized under this section must be accessed and administered in  
6 accordance with the uniform procedure under RCW 28A.210.370 for the  
7 management of a student's respiratory symptoms, including breathing  
8 difficulties caused by conditions such as asthma, as follows:

9 (a) If the student has a prescription for albuterol on file, a  
10 school nurse or designated trained school personnel may administer  
11 albuterol; or

12 (b) If the student does not possess albuterol or have a  
13 prescription for albuterol on file, only a school nurse may  
14 administer albuterol.

15 (4) Albuterol may be maintained, accessed, and administered on  
16 private school or school district property, including the school  
17 building, playground, and school bus, as well as during field trips  
18 or sanctioned excursions away from school property. The school nurse  
19 or designated trained school personnel may transport and carry a  
20 reasonable quantity of the school or school district supply of  
21 albuterol on field trips or excursions.

22 (5)(a) If a student is injured or harmed due to the  
23 administration of albuterol that a licensed health professional with  
24 prescribing authority has prescribed and a pharmacist has dispensed  
25 to a school or school district under this section, the licensed  
26 health professional with prescribing authority and pharmacist may not  
27 be held responsible for the injury unless the prescription was issued  
28 with a conscious disregard for safety.

29 (b) In the event a school nurse or other school employee or  
30 contractor administers albuterol in substantial compliance with a  
31 student's prescription that has been prescribed by a licensed health  
32 professional within the scope of the professional's prescriptive  
33 authority, if applicable, and written policies of the school district  
34 or private school, then the school personnel, the school personnel's  
35 school district or school of employment, and the members of the  
36 governing board and chief administrator thereof are not liable in any  
37 criminal action or for civil damages in their individual, marital,  
38 governmental, corporate, or other capacity as a result of providing  
39 the albuterol.

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

8 (6) As used in this section, "albuterol" means albuterol aerosol,  
9 powder, or solution for use in an inhaler or nebulizer.

10 (7) This section governs school operation and management under  
11 RCW 28A.710.040 and 28A.715.020 and applies to charter schools  
12 established under chapter 28A.710 RCW and state-tribal education  
13 compact schools subject to chapter 28A.715 RCW to the same extent as  
14 it applies to school districts.

15 **Sec. 2.** RCW 28A.210.370 and 2005 c 462 s 2 are each amended to  
16 read as follows:

17 (1) The superintendent of public instruction and the secretary of  
18 the department of health shall develop a uniform policy for all  
19 school districts providing for the in-service training for school  
20 staff on symptoms, treatment, and monitoring of students with asthma  
21 and on the additional observations that may be needed in different  
22 situations that may arise during the school day and during school-  
23 sponsored events. The policy shall include the standards and skills  
24 that must be in place for in-service training of school staff.

25 (2) By January 1, 2027, the superintendent of public instruction  
26 and the secretary of the department of health shall update the  
27 uniform policy developed under subsection (1) of this section to  
28 include a uniform procedure for when school nurses and designated  
29 trained school personnel access and administer the school or school  
30 district supply of albuterol as authorized under section 1 of this  
31 act for the management of a student's respiratory symptoms, including  
32 breathing difficulties caused by conditions such as asthma.

33 (3)(a) All school districts shall adopt policies regarding asthma  
34 rescue procedures for each school within the district.

35 ~~((3))~~ (b) School districts may adopt policies regarding the use  
36 of albuterol from a school or school district supply authorized under  
37 section 1 of this act. If a school district chooses to adopt a policy  
38 under this subsection, it must include the uniform procedure  
39 developed under subsection (2) of this section.

1        (4) All school districts must require that each public elementary  
2 school and secondary school grant to any student in the school  
3 authorization for the self-administration of medication to treat that  
4 student's asthma or anaphylaxis, if:

5        (a) A health care practitioner prescribed the medication for use  
6 by the student during school hours and instructed the student in the  
7 correct and responsible use of the medication;

8        (b) The student has demonstrated to the health care practitioner,  
9 or the practitioner's designee, and a professional registered nurse  
10 at the school, the skill level necessary to use the medication and  
11 any device that is necessary to administer the medication as  
12 prescribed;

13        (c) The health care practitioner formulates a written treatment  
14 plan for managing asthma or anaphylaxis episodes of the student and  
15 for medication use by the student during school hours; and

16        (d) The student's parent or guardian has completed and submitted  
17 to the school any written documentation required by the school,  
18 including the treatment plan formulated under (c) of this subsection  
19 and other documents related to liability.

20        ~~((4))~~ (5) An authorization granted under subsection ~~((3))~~ (4)  
21 of this section must allow the student involved to possess and use  
22 his or her medication:

23        (a) While in school;

24        (b) While at a school-sponsored activity, such as a sporting  
25 event; and

26        (c) In transit to or from school or school-sponsored activities.

27        ~~((5))~~ (6) An authorization granted under subsection ~~((3))~~ (4)  
28 of this section:

29        (a) Must be effective only for the same school and school year  
30 for which it is granted; and

31        (b) Must be renewed by the parent or guardian each subsequent  
32 school year in accordance with this subsection.

33        ~~((6))~~ (7) School districts must require that backup medication,  
34 if provided by a student's parent or guardian, be kept at a student's  
35 school in a location to which the student has immediate access in the  
36 event of an asthma or anaphylaxis emergency.

37        ~~((7))~~ (8) School districts must require that information  
38 described in subsection ~~((3))~~ (4)(c) and (d) of this section be  
39 kept on file at the student's school in a location easily accessible  
40 in the event of an asthma or anaphylaxis emergency.

1        (~~(8)~~) (9) For the purposes of this section, "albuterol" has the  
2 same meaning as in section 1 of this act.

3        (10) Nothing in this section creates a cause of action or in any  
4 other way increases or diminishes the liability of any person under  
5 any other law.

--- **END** ---