
SENATE BILL 5951

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By Senators Cortes, Nobles, Orwall, Slatter, Stanford, and C. Wilson

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1 AN ACT Relating to expanding access to albuterol in public and
2 private schools; amending RCW 43.70.827 and 28A.210.370; and adding a
3 new section 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 including, but not limited to, the secretary of
14 health or the secretary's designee in accordance with RCW 43.70.827,
15 may prescribe albuterol in the name of the school district or school
16 to be maintained for use when necessary. Albuterol prescriptions must
17 be accompanied by a standing order, issued in accordance with this
18 section or RCW 43.70.827, authorizing the administration of school or
19 school district-supplied, undesignated albuterol for the management
20 of respiratory symptoms, including breathing difficulties caused by
21 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 have albuterol or a prescription for
13 albuterol on file, only a school nurse may administer albuterol.

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

21 (5)(a) If a student is injured or harmed due to the
22 administration of albuterol that a licensed health professional with
23 prescribing authority has prescribed and a pharmacist has dispensed
24 to a school or school district under this section or in accordance
25 with RCW 43.70.827, the licensed health professional with prescribing
26 authority and pharmacist may not be held responsible for the injury
27 unless the prescription was issued with a conscious disregard for
28 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 or by statewide standing order in accordance with RCW
34 43.70.827, if applicable, and written policies of the school district
35 or private school, then the school personnel, the school personnel's
36 school district or school of employment, and the members of the
37 governing board and chief administrator thereof are not liable in any
38 criminal action or for civil damages in their individual, marital,
39 governmental, corporate, or other capacity as a result of providing
40 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 43.70.827 and 2024 c 81 s 1 are each amended to read
16 as follows:

17 ~~((The))~~ (1) In accordance with this section, the secretary or the
18 secretary's designee, ((if a licensed health professional with the
19 authority to prescribe epinephrine, shall, as is consistent with the
20 exercise of sound professional judgment, issue a statewide standing
21 order prescribing epinephrine and epinephrine autoinjectors to any
22 school district or school for use by a school nurse or other
23 designated trained school personnel, as authorized under RCW
24 28A.210.383, for any student or individual experiencing anaphylaxis
25 on school property, a school bus, a field trip, or designated school
26 activity.)) who must be a department employee, shall issue a
27 statewide standing order to any school or school district to
28 prescribe the following medications for use by a school nurse or
29 other designated trained school personnel on school property, a
30 school bus, a field trip, or a designated school activity:

31 (a) Epinephrine and epinephrine autoinjectors for any student or
32 individual experiencing anaphylaxis in accordance with RCW
33 28A.210.383; and

34 (b) Albuterol for any student or individual experiencing
35 respiratory symptoms, including breathing difficulties caused by
36 conditions such as asthma, in accordance with section 1 of this act.
37 As used in this subsection, "albuterol" has the same meaning as in
38 section 1 of this act.

1 (2) To issue a prescription or standing order under this section,
2 the secretary or secretary's designee must:

3 (a) Hold a valid, unexpired, unrevoked, and unsuspended license
4 in this state that authorizes the issuance of the prescription or
5 standing order; and

6 (b) Comply with applicable licensing requirements not in conflict
7 with this section.

8 (3) The secretary or the secretary's designee may place
9 limitations on the use of a prescription or standing order issued
10 under this section and should include appropriate recommendations for
11 follow-up care.

12 (4) This section does not create a private cause of action.
13 Notwithstanding any other provision of law, neither the state nor the
14 secretary nor the secretary's designee shall be liable for any civil
15 or criminal damages or any professional disciplinary action related
16 to the issuance of prescriptions or standing orders pursuant to this
17 section, other than for acts or omissions constituting gross
18 negligence or willful or wanton misconduct.

19 **Sec. 3.** RCW 28A.210.370 and 2005 c 462 s 2 are each amended to
20 read as follows:

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

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

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

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

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

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

13 (b) The student has demonstrated to the health care practitioner,
14 or the practitioner's designee, and a professional registered nurse
15 at the school, the skill level necessary to use the medication and
16 any device that is necessary to administer the medication as
17 prescribed;

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

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

25 ~~((4))~~ (5) An authorization granted under subsection ~~((3))~~ (4)
26 of this section must allow the student involved to possess and use
27 his or her medication:

28 (a) While in school;

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

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

32 ~~((5))~~ (6) An authorization granted under subsection ~~((3))~~ (4)
33 of this section:

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

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

38 ~~((6))~~ (7) School districts must require that backup medication,
39 if provided by a student's parent or guardian, be kept at a student's

1 school in a location to which the student has immediate access in the
2 event of an asthma or anaphylaxis emergency.

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

7 ~~((8))~~ (9) For the purposes of this section, "albuterol" has the
8 same meaning as in section 1 of this act.

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

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