

ESB 5104 - H COMM AMD

By Committee on Appropriations Subcommittee on Education

ADOPTED 04/16/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that allergies
4 are a serious medical disorder that affect more than one in five
5 persons in the United States and are the sixth leading cause of chronic
6 disease. Roughly one in thirteen children has a food allergy, and the
7 incidence is rising. Up to forty percent of food-allergic children may
8 be at risk for anaphylaxis, a severe and potentially life-threatening
9 reaction. Anaphylaxis may also occur due to an insect sting, drug
10 allergy, or other causes. Twenty-five percent of first-time
11 anaphylactic reactions among children occur in a school setting.
12 Anaphylaxis can occur anywhere on school property, including the
13 classroom, playground, school bus, or on field trips.

14 (2) Rapid and appropriate administration of the drug epinephrine,
15 also known as adrenaline, to a patient experiencing an anaphylactic
16 reaction may make the difference between life and death. In a school
17 setting, epinephrine is typically administered intramuscularly via an
18 epinephrine autoinjector device. Medical experts agree that the
19 benefits of emergency epinephrine administration far outweigh the
20 risks.

21 (3) The legislature further finds that, on many days, as much as
22 twenty percent of the nation's combined adult and child population can
23 be found in public and nonpublic schools. Therefore, schools need to
24 be prepared to treat potentially life-threatening anaphylactic
25 reactions in the event a student is experiencing a first-time
26 anaphylactic reaction, a student does not have his or her own
27 epinephrine autoinjector device available, or if a school nurse is not
28 in the vicinity at the time.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210

2 RCW to read as follows:

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

6 (2)(a) A licensed health professional with the authority to
7 prescribe epinephrine autoinjectors may prescribe epinephrine
8 autoinjectors in the name of the school district or school to be
9 maintained for use when necessary. Epinephrine prescriptions must be
10 accompanied by a standing order for the administration of school-
11 supplied, undesignated epinephrine autoinjectors for potentially life-
12 threatening allergic reactions.

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

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

18 (3)(a) When a student has a prescription for an epinephrine
19 autoinjector on file, the school nurse or designated trained school
20 personnel may utilize the school district or school supply of
21 epinephrine autoinjectors to respond to an anaphylactic reaction under
22 a standing protocol according to RCW 28A.210.300.

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

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

34 (4)(a) If a student is injured or harmed due to the administration
35 of epinephrine that a licensed health professional with prescribing
36 authority has prescribed and a pharmacist has dispensed to a school
37 under this section, the licensed health professional with prescribing

1 authority and pharmacist may not be held responsible for the injury
2 unless he or she issued the prescription with a conscious disregard for
3 safety.

4 (b) In the event a school nurse or other school employee
5 administers epinephrine in substantial compliance with a student's
6 prescription that has been prescribed by a licensed health professional
7 within the scope of the professional's prescriptive authority, if
8 applicable, and written policies of the school district or private
9 school, then the school employee, the employee's school district or
10 school of employment, and the members of the governing board and chief
11 administrator thereof are not liable in any criminal action or for
12 civil damages in their individual, marital, governmental, corporate, or
13 other capacity as a result of providing the epinephrine.

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

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

29 Correct the title.

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