

By: Menéndez

S.B. No. 2535

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the use of prescription glucagon medication on public
3 and private school campuses.

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

5 SECTION 1. Section 168.001, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 168.001. DEFINITIONS. In this chapter:

8 (1) "Diabetes management and treatment plan" means the
9 document required by Section 168.002.

10 (2) "Glucagon medication" means any medication used to
11 treat low blood sugar that contains the hormone glucagon.

12 (3) [~~(2)~~] "Individualized health plan" means the
13 document required by Section 168.003.

14 (4) [~~(3)~~] "Principal" includes the principal's
15 designee.

16 (5) [~~(4)~~] "School" means a public elementary or
17 secondary school. The term does not include an open-enrollment
18 charter school established under Subchapter D, Chapter 12,
19 Education Code.

20 (6) [~~(5)~~] "School employee" means a person employed by:

21 (A) a school;

22 (B) a local health department that assists a
23 school under this chapter; or

24 (C) another entity with which a school has

1 contracted to perform its duties under this chapter.

2 (7) "Undesignated glucagon medication" means glucagon
3 medication prescribed in the name of a school.

4 (8) [6] "Unlicensed diabetes care assistant" means a
5 school employee who has successfully completed the training
6 required by Section 168.005.

7 SECTION 2. Section 168.004, Occupations Code, is amended by
8 adding Subsection (d) to read as follows:

9 (d) An unlicensed diabetes care assistant may carry
10 undesignated glucagon medication on his or her person.

11 SECTION 3. Chapter 168, Health and Safety Code, is amended
12 by adding Section 168.012 to read as follows:

13 Sec. 168.012. MAINTENANCE OF GLAUCOGEN MEDICATION. (a) Each
14 school district, open-enrollment charter school, and private
15 school may adopt and implement a policy regarding the maintenance,
16 administration, and disposal of glucagon medication at each campus
17 in the district or school.

18 (b) The supply of glucagon medication at each campus must be
19 stored in a secure location and be easily accessible to unlicensed
20 diabetes care assistants and the school nurse.

21 (c) A physician or person who has been delegated
22 prescriptive authority under Chapter 157, Occupations Code, may
23 prescribe glucagon medication in the name of a school district,
24 open-enrollment charter school, or private school.

25 (d) A pharmacist may dispense glucagon medication to a
26 school district, open-enrollment charter school, or private school
27 without requiring the name or any other identifying information

1 relating to the user.

2 (e) The executive commissioner of the Health and Human
3 Services Commission, in consultation with the commissioner of
4 education, shall adopt rules regarding the maintenance,
5 administration, and disposal of glucagon medication at a school
6 campus.

7 (f) The policy described by Subsection (a) may not require a
8 school district, open-enrollment charter school, or private school
9 to purchase glucagon medication or require any other expenditure
10 related to the maintenance or administration of glucagon medication
11 that would result in a negative fiscal impact on the district or
12 school.

13 SECTION 4. This Act applies beginning with the 2023-2024
14 school year.

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2023.