

AN ACT

relating to the availability and use of airway clearance devices at public school campuses and to contracts for medication for respiratory distress and training at public schools.

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

SECTION 1. This Act may be cited as the Westyn Bryan Mandrell Act.

SECTION 2. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0171 to read as follows:

Sec. 38.0171. AVAILABILITY OF AIRWAY CLEARANCE DEVICE. (a) In this section, "airway clearance device" means a noninvasive device capable of removing or assisting with the removal of a person's foreign-body airway obstruction.

(b) Except as provided by Subsection (c), each school district shall make available at each district campus at least one airway clearance device appropriate for use on the majority of students enrolled at the campus. In determining the location at which to store the device, the principal of the campus shall consider the primary location on campus where students consume food.

(c) A school district must comply with Subsection (b) with respect to a district campus only if the district may obtain an airway clearance device for the campus through:

(1) donation of the device in the original packaging;

1 or

2 (2) purchase or lease of the device using money
3 appropriated or donated to the district for that purpose.

4 (d) Each school district shall ensure the presence at each
5 location at which an airway clearance device required under
6 Subsection (b) is stored of at least one campus or district employee
7 trained in the proper use of the device at any time a substantial
8 number of students are present at the location.

9 (e) A school district shall ensure that each airway
10 clearance device is stored and used in accordance with the
11 manufacturer's specifications and any applicable law.

12 (f) This section does not:

13 (1) waive any immunity from liability of a school
14 district or the district's officers or employees;

15 (2) create any liability for or a cause of action
16 against a school district or the district's officers or employees;

17 or

18 (3) waive any immunity from liability under Section
19 74.151, Civil Practice and Remedies Code.

20 (g) A school district may solicit and accept gifts, grants,
21 or other donations to obtain airway clearance devices required
22 under this section.

23 SECTION 3. Subchapter E, Chapter 38, Education Code, is
24 amended by adding Section 38.2115 to read as follows:

25 Sec. 38.2115. CONTRACTING FOR MEDICATION FOR RESPIRATORY
26 DISTRESS AND TRAINING. The board of trustees of a school district
27 or governing body of an open-enrollment charter school or private

1 school may contract with a vendor to provide:

2 (1) medication for respiratory distress and related
3 equipment to the district or school; and

4 (2) training to school personnel and school volunteers
5 authorized to administer medication for respiratory distress under
6 this subchapter.

7 SECTION 4. This Act applies beginning with the 2025-2026
8 school year.

9 SECTION 5. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I certify that H.B. No. 549 was passed by the House on May 13, 2025, by the following vote: Yeas 136, Nays 5, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 549 on May 30, 2025, by the following vote: Yeas 134, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 549 was passed by the Senate, with amendments, on May 29, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor