

By: Lalani

H.B. No. 856

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a policy regarding the maintenance, administration, and
3 disposal of medication for respiratory distress by public and
4 private schools.

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

6 SECTION 1. Sections 38.208(a-1), (b-1), (c), and (d-1),
7 Education Code, are amended to read as follows:

8 (a-1) Each school district, open-enrollment charter school,
9 and private school shall ~~may~~ adopt and implement a policy
10 regarding the maintenance, administration, and disposal of
11 medication for respiratory distress at each campus in the district
12 or school.

13 (b-1) A ~~If a~~ policy ~~is~~ adopted under Subsection (a-1) ~~the policy~~
14 ~~the policy~~ must:

15 (1) require the school district, open-enrollment
16 charter school, or private school to maintain and make available at
17 each school campus a supply of medication for respiratory distress;
18 and

19 (2) provide that school personnel and school
20 volunteers who are authorized and trained may administer medication
21 for respiratory distress to a person reasonably believed to be
22 experiencing respiratory distress on a school campus, or at a
23 school-sponsored or school-related activity on or off school
24 property.

1 (c) The executive commissioner of the Health and Human
2 Services Commission, in consultation with the commissioner of
3 education, and with advice from the advisory committee as
4 appropriate, shall adopt rules regarding the maintenance,
5 administration, and disposal of an epinephrine auto-injector at a
6 school campus subject to a policy adopted under Subsection (a) and
7 the maintenance, administration, and disposal of medication for
8 respiratory distress at a school campus [~~subject to a policy~~
9 ~~adopted under Subsection (a-1)~~]. The rules must establish:

10 (1) the number of epinephrine auto-injectors
11 available at each campus;

12 (2) the amount of medication for respiratory distress
13 available at each campus;

14 (3) the process for each school district,
15 open-enrollment charter school, and private school to check the
16 inventory of epinephrine auto-injectors and medication for
17 respiratory distress at regular intervals for expiration and
18 replacement;

19 (4) the amount of training required for school
20 personnel and school volunteers to administer:

21 (A) an epinephrine auto-injector; or

22 (B) medication for respiratory distress; and

23 (5) the types of medication that may be administered
24 under Subsection (b-1) to persons experiencing respiratory
25 distress, based on a review of the best available medical evidence.

26 (d-1) A [~~Each school district, open-enrollment charter~~
27 ~~school, and private school that adopts a~~] policy adopted under

1 Subsection (a-1) must require that each school campus have one or
2 more school personnel or school volunteers authorized and trained
3 to administer medication for respiratory distress present during
4 regular school hours.

5 SECTION 2. Section 38.210(a-1), Education Code, is amended
6 to read as follows:

7 (a-1) Each school district, open-enrollment charter school,
8 and private school [~~that adopts a policy under Section 38.208(a-1)~~]
9 is responsible for training school personnel and school volunteers
10 in the administration of medication for respiratory distress. The
11 training must include information on:

12 (1) recognizing the signs and symptoms of respiratory
13 distress;

14 (2) administering medication for respiratory
15 distress;

16 (3) implementing emergency procedures, if necessary,
17 after administering medication for respiratory distress; and

18 (4) proper sanitization, reuse, and disposal of
19 medication for respiratory distress.

20 SECTION 3. Section 38.212(a), Education Code, is amended to
21 read as follows:

22 (a) A [~~If a~~] school district, open-enrollment charter
23 school, or private school [~~implements a policy under this~~
24 ~~subchapter, the district or school~~] shall provide [~~written notice~~
25 ~~of the policy~~] to a parent or guardian of each student enrolled in
26 the district or school written notice of each policy implemented by
27 the district or school under this subchapter.

1 SECTION 4. Section 38.208(f), Education Code, is repealed.

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