

## **BILL ANALYSIS**

S.B. 221  
By: Zaffirini  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law allows students to carry and use asthma inhalers but not anaphylaxis medication to treat allergic reactions. Anaphylaxis medication is medication for severe allergic reactions, which cause the suffering and death of schoolchildren each year. In October, President Bush signed HR 2023, the Asthmatic Schoolchildren's Treatment and Health Management Act of 2004. This federal legislation gives funding preference to states that protect students' rights to carry and self-administer life saving asthma and/or anaphylaxis medication at school.

S.B. 221 allows a student to self-administer prescription anaphylaxis medicine and asthma medicine when on school property or at a school related event.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SB 221 amends the Education Code to include anaphylaxis in Section 38.015. This bill allows a student with asthma or anaphylaxis to possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if the student has demonstrated, to the student's physician or other licensed health care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including any device required to administer the medication. Conforming changes are made throughout the bill.

### **EFFECTIVE DATE**

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.