

By: Zaffirini

S.B. No. 221

A BILL TO BE ENTITLED

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AN ACT

relating to the possession and self-administration of certain prescription medications by public school students while on school property or at a school-related event or activity.

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

SECTION 1. The heading to Section 38.015, Education Code, is amended to read as follows:

Sec. 38.015. SELF-ADMINISTRATION OF PRESCRIPTION ASTHMA OR ANAPHYLAXIS MEDICINE BY STUDENTS.

SECTION 2. Subsections (a) and (b), Section 38.015, Education Code, are amended to read as follows:

(a) In this section:

(1) "Parent" includes a person standing in parental relation.

(2) "Self-administration of prescription asthma or anaphylaxis medicine" means a student's discretionary use of prescription asthma or anaphylaxis medicine.

(b) A student with asthma or anaphylaxis is entitled to possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

(1) the prescription [~~asthma~~] medicine has been prescribed for that student as indicated by the prescription label on the medicine;

1           (2) the student has demonstrated to the student's  
2 physician or other licensed health care provider and the school  
3 nurse, if available, the skill level necessary to self-administer  
4 the prescription medication, including the use of any device  
5 required to administer the medication;

6           (3) the self-administration is done in compliance with  
7 the prescription or written instructions from the student's  
8 physician or other licensed health care provider; and

9           (4) [~~(3)~~] a parent of the student provides to the  
10 school:

11           (A) a written authorization, signed by the  
12 parent, for the student to self-administer the prescription  
13 [~~asthma~~] medicine while on school property or at a school-related  
14 event or activity; and

15           (B) a written statement from the student's  
16 physician or other licensed health care provider, signed by the  
17 physician or provider, that states:

18           (i) that the student has asthma or  
19 anaphylaxis and is capable of self-administering the prescription  
20 [~~asthma~~] medicine;

21           (ii) the name and purpose of the medicine;

22           (iii) the prescribed dosage for the  
23 medicine;

24           (iv) the times at which or circumstances  
25 under which the medicine may be administered; and

26           (v) the period for which the medicine is  
27 prescribed.

1           SECTION 3. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2005.