

By: Zaffirini

S.B. No. 221

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

10 SECTION 2. Sections 38.015(a) and (b), Education Code, are
11 amended to read as follows:

12 (a) In this section:

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

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

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

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

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

4 (3) a parent of the student provides to the school:

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

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

12 (i) that the student has asthma or
13 anaphylaxis and is capable of self-administering the prescription
14 [~~asthma~~] medicine;

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

16 (iii) the prescribed dosage for the
17 medicine;

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

20 (v) the period for which the medicine is
21 prescribed.

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