

1-1 By: Zaffirini S.B. No. 221
1-2 (In the Senate - Filed January 21, 2005; February 3, 2005,
1-3 read first time and referred to Committee on Education;
1-4 March 29, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 29, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 221 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the possession and self-administration of certain
1-11 prescription medications by public school students while on school
1-12 property or at a school-related event or activity.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. The heading to Section 38.015, Education Code,
1-15 is amended to read as follows:

1-16 Sec. 38.015. SELF-ADMINISTRATION OF PRESCRIPTION ASTHMA OR
1-17 ANAPHYLAXIS MEDICINE BY STUDENTS.

1-18 SECTION 2. Subsections (a) and (b), Sections 38.015,
1-19 Education Code, are amended to read as follows:

1-20 (a) In this section:

1-21 (1) "Parent" includes a person standing in parental
1-22 relation.

1-23 (2) "Self-administration of prescription asthma or
1-24 anaphylaxis medicine" means a student's discretionary use of
1-25 prescription asthma or anaphylaxis medicine.

1-26 (b) A student with asthma or anaphylaxis is entitled to
1-27 possess and self-administer prescription asthma or anaphylaxis
1-28 medicine while on school property or at a school-related event or
1-29 activity if:

1-30 (1) the prescription [~~asthma~~] medicine has been
1-31 prescribed for that student as indicated by the prescription label
1-32 on the medicine;

1-33 (2) the student has demonstrated to the student's
1-34 physician or other licensed health care provider and the school
1-35 nurse, if available, the skill level necessary to self-administer
1-36 the prescription medication, including the use of any device
1-37 required to administer the medication;

1-38 (3) the self-administration is done in compliance with
1-39 the prescription or written instructions from the student's
1-40 physician or other licensed health care provider; and

1-41 (4) [~~(3)~~] a parent of the student provides to the
1-42 school:

1-43 (A) a written authorization, signed by the
1-44 parent, for the student to self-administer the prescription
1-45 [~~asthma~~] medicine while on school property or at a school-related
1-46 event or activity; and

1-47 (B) a written statement from the student's
1-48 physician or other licensed health care provider, signed by the
1-49 physician or provider, that states:

1-50 (i) that the student has asthma or
1-51 anaphylaxis and is capable of self-administering the prescription
1-52 [~~asthma~~] medicine;

1-53 (ii) the name and purpose of the medicine;

1-54 (iii) the prescribed dosage for the
1-55 medicine;

1-56 (iv) the times at which or circumstances
1-57 under which the medicine may be administered; and

1-58 (v) the period for which the medicine is
1-59 prescribed.

1-60 SECTION 3. This Act takes effect immediately if it receives
1-61 a vote of two-thirds of all the members elected to each house, as
1-62 provided by Section 39, Article III, Texas Constitution. If this
1-63 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2005.

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