

By: Brown

H.B. No. 1615

A BILL TO BE ENTITLED

AN ACT

relating to the administering of medications to children in certain facilities; providing criminal penalties.

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

SECTION 1. This Act shall be known as Nathan's Law.

SECTION 2. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.065 to read as follows:

Sec. 42.065. ADMINISTERING MEDICATION. (a) In this section, "medication" means a drug that may be obtained with or without a prescription, excluding a topical ointment obtained without a prescription.

(b) This section applies only to a day-care center, group day-care home, before-school or after-school program, school-age program, or family home regardless of whether the facility or program is licensed, registered, or listed.

(c) A director, owner, operator, caretaker, employee, or volunteer of a child-care facility subject to this section may not administer a medication to a child unless:

(1) the child's parent or guardian has submitted to the child-care facility a signed and dated document that authorizes the facility to administer the medication for not longer than one year; and

(2) the authorized medication:

(A) is administered as stated on the label

1 directions or as amended in writing by a physician; and

2 (B) is not expired.

3 (d) Notwithstanding Subsection (c)(1), a director, owner,
4 operator, caretaker, employee, or volunteer of a child-care
5 facility subject to this section may administer medication to a
6 child under this section without a signed authorization if the
7 child's parent or guardian submits to the child-care facility an
8 authorization in an electronic format that is capable of being
9 viewed and saved. An authorization under this subsection expires
10 on the first anniversary of the date the authorization is provided
11 to the child-care facility.

12 (e) This section does not apply to a person that administers
13 a medication to a child in a medical emergency to prevent the death
14 or serious bodily injury of the child if the medication is
15 administered as prescribed, directed, or intended.

16 (f) A person commits an offense if the person administers a
17 medication to a child in violation of this section. If conduct
18 constituting an offense under this section also constitutes an
19 offense under a section of the Penal Code, the actor may be
20 prosecuted under either section or both sections.

21 (g) An offense under this section is a Class A misdemeanor.

22 SECTION 3. This Act takes effect September 1, 2011.