

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 practitioner, as defined by  
2 Section 551.003, Occupations Code; and

3 (B) is not expired.

4 (d) Notwithstanding Subsection (c)(1), a director, owner,  
5 operator, caretaker, employee, or volunteer of a child-care  
6 facility subject to this section may administer medication to a  
7 child under this section without a signed authorization if the  
8 child's parent or guardian:

9 (1) submits to the child-care facility an  
10 authorization in an electronic format that is capable of being  
11 viewed and saved; or

12 (2) authorizes the child-care facility by telephone to  
13 administer a single dose of a medication.

14 (e) An authorization under Subsection (d)(1) expires on the  
15 first anniversary of the date the authorization is provided to the  
16 child-care facility.

17 (f) This section does not apply to a person that administers  
18 a medication to a child in a medical emergency to prevent the death  
19 or serious bodily injury of the child if the medication is  
20 administered as prescribed, directed, or intended.

21 (g) A person commits an offense if the person administers a  
22 medication to a child in violation of this section. If conduct  
23 constituting an offense under this section also constitutes an  
24 offense under a section of the Penal Code, the actor may be  
25 prosecuted under either section or both sections.

26 (h) An offense under this section is a Class A misdemeanor.

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1615 was passed by the House on May 3, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1615 on May 23, 2011, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1615 was passed by the Senate, with amendments, on May 19, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor