

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.

(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:

(A) authorizes the facility to administer the medication; and

(B) indicates the time at which the medication is to be administered; and

(2) the authorized medication:

1 (A) is in the original container with the child's
2 full name and the date the medication was brought to the child-care
3 facility written on the container;

4 (B) is administered in an amount stated on the
5 label directions or as amended in writing by a physician;

6 (C) is administered only to the child whose name
7 is on the label; and

8 (D) is not expired.

9 (d) Notwithstanding Subsection (c)(1), a director, owner,
10 operator, caretaker, employee, or volunteer of a child-care
11 facility subject to this section may administer medication to a
12 child under this section without a signed authorization if the
13 child's parent or guardian submits to the child-care facility an
14 authorization in an electronic format that is capable of being
15 viewed and saved. An authorization under this subsection is valid
16 only on the day that it is provided to the child-care facility.

17 (e) A person commits an offense if the person administers a
18 medication to a child in violation of this section.

19 (f) An offense under this section is a Class A misdemeanor,
20 except that the offense is a felony of the third degree if the child
21 suffers serious bodily injury or death as a result of receiving the
22 medication.

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