

Amend SB 66 (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. This Act shall be known as the Cameron Espinosa Act.

SECTION 2. Chapter 38, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. MAINTENANCE, ADMINISTRATION, AND DISPOSAL OF
EPINEPHRINE AUTO-INJECTORS

Sec. 38.201. DEFINITIONS. In this subchapter:

(1) "Advisory committee" means the committee established under Section 38.202.

(2) "Anaphylaxis" means a sudden, severe, and potentially life-threatening allergic reaction that occurs when a person is exposed to an allergen.

(3) "Epinephrine auto-injector" means a disposable medical drug delivery device that contains a premeasured single dose of epinephrine that is intended to be used to treat anaphylaxis.

(4) "Physician" means a person who holds a license to practice medicine in this state.

(5) "School personnel" means an employee of a school district or open-enrollment charter school. The term includes a member of the board of trustees of a school district or the governing body of an open-enrollment charter school.

Sec. 38.202. ADVISORY COMMITTEE: ESTABLISHMENT AND COMPOSITION. (a) The commissioner of state health services shall establish an advisory committee to examine and review the administration of epinephrine auto-injectors to a person experiencing an anaphylactic reaction on a campus of a school district or an open-enrollment charter school.

(b) The advisory committee shall be composed of members appointed by the commissioner of state health services. In making appointments, the commissioner shall ensure that:

(1) a majority of the members are physicians with expertise in treating anaphylaxis, including physicians who specialize in the fields of pediatrics, allergies, asthma, and immunology; and

(2) at least one member is a registered nurse employed by a school district or open-enrollment charter school as a school nurse.

(c) A member of the advisory committee serves at the pleasure of the commissioner of state health services.

(d) A vacancy on the advisory committee is filled by the commissioner of state health services in the same manner as other appointments to the advisory committee.

Sec. 38.203. ADVISORY COMMITTEE: PRESIDING OFFICER. The advisory committee shall elect a presiding officer.

Sec. 38.204. ADVISORY COMMITTEE: COMPENSATION AND EXPENSES. Members of the advisory committee serve without compensation but are entitled to reimbursement for travel expenses.

Sec. 38.205. ADVISORY COMMITTEE: APPLICABILITY OF OTHER LAW. Chapter 2110, Government Code, does not apply to the advisory committee.

Sec. 38.206. ADVISORY COMMITTEE: OPEN MEETINGS. Meetings of the advisory committee are subject to Chapter 551, Government Code.

Sec. 38.207. ADVISORY COMMITTEE: DUTIES. The advisory committee shall advise the commissioner of state health services on:

(1) the storage and maintenance of epinephrine auto-injectors on school campuses;

(2) the training of school personnel and school volunteers in the administration of an epinephrine auto-injector; and

(3) a plan for one or more school personnel members or school volunteers trained in the administration of an epinephrine auto-injector to be on each school campus.

Sec. 38.208. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS. (a) Each school district and open-enrollment charter school may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district or school.

(b) If a policy is adopted under Subsection (a), the policy:

(1) must provide that school personnel and school

volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and

(2) may provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

(c) The commissioner of state health services, in consultation with the commissioner of education, and with advice from the advisory committee, shall adopt rules regarding the maintenance, administration, and disposal of an epinephrine auto-injector at a school campus subject to a policy adopted under Subsection (a). The rules must establish:

(1) the number of epinephrine auto-injectors available at each campus;

(2) the process for each school district and open-enrollment charter school to check the inventory of epinephrine auto-injectors at regular intervals for expiration and replacement; and

(3) the amount of training required for school personnel and school volunteers to administer an epinephrine auto-injector.

(d) Each school district and open-enrollment charter school that adopts a policy under Subsection (a) must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open.

(e) The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector.

Sec. 38.209. REPORT ON ADMINISTERING EPINEPHRINE AUTO-INJECTOR. (a) Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with a policy adopted under Section 38.208(a), the school shall report the information required

under Subsection (b) to:

- (1) the school district or the charter holder if the school is an open-enrollment charter school;
- (2) the physician or other person who prescribed the epinephrine auto-injector;
- (3) the commissioner of education; and
- (4) the commissioner of state health services.

(b) The report required under this section must include the following information:

- (1) the age of the person who received the administration of the epinephrine auto-injector;
- (2) whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;
- (3) the physical location where the epinephrine auto-injector was administered;
- (4) the number of doses of epinephrine auto-injector administered;
- (5) the title of the person who administered the epinephrine auto-injector; and
- (6) any other information required by the commissioner of education.

Sec. 38.210. TRAINING. (a) Each school district and open-enrollment charter school that adopts a policy under Section 38.208(a) is responsible for training school personnel and school volunteers in the administration of an epinephrine auto-injector.

(b) Training required under this section must:

- (1) include information on:
 - (A) recognizing the signs and symptoms of anaphylaxis;
 - (B) administering an epinephrine auto-injector;
 - (C) implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and
 - (D) properly disposing of used or expired epinephrine auto-injectors; and
- (2) be provided in a formal training session or through online education and be completed annually.

(c) Each school district and open-enrollment charter school shall maintain records on the training required under this section.

Sec. 38.211. PRESCRIPTION OF EPINEPHRINE AUTO-INJECTORS.

(a) A physician or person who has been delegated prescriptive authority under Chapter 157, Occupations Code, may prescribe epinephrine auto-injectors in the name of a school district or open-enrollment charter school.

(b) A physician or other person who prescribes epinephrine auto-injectors under Subsection (a) shall provide the school district or open-enrollment charter school with a standing order for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis.

(c) The standing order under Subsection (b) is not required to be patient-specific, and the epinephrine auto-injector may be administered to a person without a previously established physician-patient relationship.

(d) Notwithstanding any other provisions of law, supervision or delegation by a physician is considered adequate if the physician:

(1) periodically reviews the order; and

(2) is available through direct telecommunication as needed for consultation, assistance, and direction.

(e) An order issued under this section must contain:

(1) the name and signature of the prescribing physician or other person;

(2) the name of the school district or open-enrollment charter school to which the order is issued;

(3) the quantity of epinephrine auto-injectors to be obtained and maintained under the order; and

(4) the date of issue.

(f) A pharmacist may dispense an epinephrine auto-injector to a school district or open-enrollment charter school without requiring the name or any other identifying information relating to the user.

Sec. 38.212. NOTICE TO PARENTS. If a school district or open-enrollment charter school implements a policy under this subchapter for the maintenance, administration, and disposal of

epinephrine auto-injectors, the district or school shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice required under this section must be provided before the policy is implemented by the district or school and before the start of each school year.

Sec. 38.213. GIFTS, GRANTS, AND DONATIONS. A school district or open-enrollment charter school may accept gifts, grants, donations, and federal and local funds to implement this subchapter.

Sec. 38.214. RULES. Except as otherwise provided by this subchapter, the commissioner of education and the commissioner of state health services shall jointly adopt rules necessary to implement this subchapter.

Sec. 38.215. IMMUNITY FROM LIABILITY. (a) A person who in good faith takes, or fails to take, any action under this subchapter is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

- (1) issuing an order for epinephrine auto-injectors;
- (2) supervising or delegating the administration of an epinephrine auto-injector;
- (3) possessing, maintaining, storing, or disposing of an epinephrine auto-injector;
- (4) prescribing an epinephrine auto-injector;
- (5) dispensing an epinephrine auto-injector;
- (6) administering, or assisting in administering, an epinephrine auto-injector;
- (7) providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
- (8) undertaking any other act permitted or required under this subchapter.

(b) The immunities and protections provided by this subchapter are in addition to other immunities or limitations of liability provided by law.

(c) Notwithstanding any other law, this subchapter does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that

provides a basis for a cause of action for an act or omission under this subchapter.

(d) A cause of action does not arise from an act or omission described by this section.

(e) A school district or open-enrollment charter school and school personnel and school volunteers are immune from suit resulting from an act, or failure to act, under this subchapter, including an act or failure to act under related policies and procedures.

(f) An act or failure to act by school personnel or a school volunteer under this subchapter, including an act or failure to act under related policies and procedures, is the exercise of judgment or discretion on the part of the school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district or open-enrollment charter school.

SECTION 3. Section 38.0151, Education Code, is amended by adding Subsection (f) to read as follows:

(f) A school district or open-enrollment charter school that provides for the maintenance, administration, and disposal of epinephrine auto-injectors under Subchapter E is not required to comply with this section.

SECTION 4. This Act applies beginning with the 2015-2016 school year.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.