

By: Aycock

H.B. No. 1676

A BILL TO BE ENTITLED

AN ACT

relating to authority of public and open-enrollment charter school campuses to maintain a supply of and administer anaphylaxis medicine.

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

SECTION 1. The heading to Section 38.0151, Education Code, is amended to read as follows:

Sec. 38.0151. POLICIES FOR CARE OF CERTAIN STUDENTS AT RISK FOR ANAPHYLAXIS; MAINTENANCE AND ADMINISTRATION OF ANAPHYLAXIS MEDICINE SUPPLY.

SECTION 2. Section 38.0151, Education Code, is amended by adding Subsections (b-1), (d-1), and (d-2) and amending Subsection (d) to read as follows:

(b-1) Each school district and open-enrollment charter school may maintain at each campus a supply of anaphylaxis medicine, including an epinephrine auto-injector, that may be administered to a person on campus or at an off-campus school event experiencing an anaphylactic reaction, regardless of whether the medicine or auto-injector was prescribed for that person. For anaphylaxis medicine to satisfy this subsection, the medicine may not have an expiration date that has passed.

(d) Except in a case of reckless conduct or intentional, wilful, or wanton misconduct, a person is immune from civil or criminal liability or disciplinary action for any conduct permitted

or required under this section, including:

- (1) issuing an order for epinephrine auto-injectors;
- (2) supervising or delegating the administration of an epinephrine auto-injector;
- (3) possessing 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 or guidelines; or
- (8) undertaking any other act permitted or required under this section. ~~[This section does not:~~

~~(1) waive any liability or immunity of a governmental entity or its officers or employees; or~~

~~(2) create any liability for or a cause of action against a governmental entity or its officers or employees.]~~

(d-1) The immunity provided by Subsection (d) is in addition to other immunity or limitations of liability provided by law.

(d-2) Notwithstanding any other law, this section does not create a cause of action or liability against a school district or open-enrollment charter school or a district or school employee for the use of an epinephrine auto-injector permitted under this section.

SECTION 3. This Act applies beginning with the 2015-2016 school year.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2015.