

By: Zaffirini

S.B. No. 28

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to immunity from liability for public and open-enrollment  
3 charter school campuses that maintain a supply of anaphylaxis  
4 medicine for emergency use.

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

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

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

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

13 (b-1) Each school district and open-enrollment charter  
14 school may maintain at each campus a supply of anaphylaxis medicine  
15 that may be administered to a person on campus experiencing an  
16 anaphylactic reaction. For anaphylaxis medicine to satisfy this  
17 subsection, the medicine may not have an expiration date that has  
18 passed.

19 (d) This section does not:

20 (1) waive any [~~liability or~~] immunity from liability  
21 of a governmental entity or its officers or employees; [~~or~~]

22 (2) create any liability for or a cause of action  
23 against a governmental entity or its officers or employees; or

24 (3) waive any immunity from liability under Section

1 74.151, Civil Practice and Remedies Code, including immunity from  
2 liability to which a school district, open-enrollment charter  
3 school, or district or school employee is entitled under that  
4 section for an act associated with the administration of  
5 anaphylaxis medicine to a person on campus experiencing an  
6 anaphylactic reaction.

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