

By: Wilson

H.B. No. 4176

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the use of epinephrine auto-injectors in public
3 schools.

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

5 SECTION 1. Section 38.208(c), Education Code, is amended to
6 read as follows:

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

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

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

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

22 SECTION 2. Sections 38.209(a) and (b), Education Code, are
23 amended to read as follows:

24 (a) Not later than the 10th business day after the date a

1 school personnel member or school volunteer administers an
2 epinephrine auto-injector in accordance with a policy adopted under
3 Section 38.208(a), the school shall report the information required
4 under Subsection (b) to:

5 (1) the school district or the charter holder if the
6 school is an open-enrollment charter school;

7 (2) the physician or other person who prescribed the
8 epinephrine auto-injector; and

9 (3) ~~[the commissioner of education; and~~

10 [~~4~~] the commissioner of state health services.

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

13 (1) the age of the person who received the
14 administration of the epinephrine auto-injector;

15 (2) whether the person who received the administration
16 of the epinephrine auto-injector was a student, a school personnel
17 member or school volunteer, or a visitor;

18 (3) the physical location where the epinephrine
19 auto-injector was administered;

20 (4) the number of doses of epinephrine auto-injector
21 administered;

22 (5) the title of the person who administered the
23 epinephrine auto-injector; and

24 (6) any other information required by the commissioner
25 of state health services ~~[education]~~.

26 SECTION 3. Section 38.214, Education Code, is amended to
27 read as follows:

1 Sec. 38.214. RULES. Except as otherwise provided by this
2 subchapter, [~~the commissioner of education and~~] the commissioner of
3 state health services shall [~~jointly~~] adopt rules necessary to
4 implement this subchapter.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2017.