

1-1 By: Taylor of Collin S.B. No. 1101
1-2 (In the Senate - Filed February 27, 2017; March 7, 2017,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; May 4, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 4, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Schwertner	X		
1-10	Uresti	X		
1-11	Buckingham	X		
1-12	Burton	X		
1-13	Kolkhorst	X		
1-14	Miles	X		
1-15	Perry	X		
1-16	Taylor of Collin	X		
1-17	Watson	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1101 By: Burton

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the prescription of epinephrine auto-injectors to and
1-22 administration of epinephrine auto-injectors in day-care centers;
1-23 limiting liability.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter C, Chapter 42, Human Resources Code,
1-26 is amended by adding Section 42.066 to read as follows:

1-27 Sec. 42.066. EPINEPHRINE AUTO-INJECTORS. (a) In this
1-28 section:

1-29 (1) "Anaphylaxis" means a sudden, severe, and
1-30 potentially life-threatening allergic reaction that occurs when a
1-31 person is exposed to an allergen.

1-32 (2) "Epinephrine auto-injector" means a disposable
1-33 medical drug delivery device that contains a premeasured single
1-34 dose of epinephrine that is intended to be used to treat
1-35 anaphylaxis.

1-36 (3) "Physician" means a person who holds a license to
1-37 practice medicine in this state.

1-38 (b) A physician, or a person who has been delegated
1-39 prescriptive authority under Chapter 157, Occupations Code, may
1-40 prescribe epinephrine auto-injectors in the name of a day-care
1-41 center.

1-42 (c) A physician or other person who prescribes epinephrine
1-43 auto-injectors under Subsection (b) shall provide the day-care
1-44 center with a standing order for the administration of an
1-45 epinephrine auto-injector to a person reasonably believed to be
1-46 experiencing anaphylaxis.

1-47 (d) A standing order under Subsection (c) is not required to
1-48 be patient-specific. An epinephrine auto-injector may be
1-49 administered under this section to a person without a previously
1-50 established physician-patient relationship.

1-51 (e) Notwithstanding any other law, supervision or
1-52 delegation by a physician is considered adequate if the physician:

1-53 (1) periodically reviews the order; and
1-54 (2) is available through direct telecommunication as
1-55 needed for consultation, assistance, and direction.

1-56 (f) An order issued under this section must contain:

1-57 (1) the name and signature of the prescribing
1-58 physician or other person;

1-59 (2) the name of the day-care center to which the order
1-60 is issued;

2-1 (3) the quantity of epinephrine auto-injectors to be
2-2 obtained and maintained under the order; and

2-3 (4) the date the order was issued.

2-4 (g) A pharmacist may dispense an epinephrine auto-injector
2-5 to a day-care center without requiring the name of or any other
2-6 identifying information relating to the user.

2-7 (h) Each day-care center is responsible for training
2-8 personnel in the administration of an epinephrine auto-injector.
2-9 The training must:

2-10 (1) include information on:

2-11 (A) recognizing the signs and symptoms of
2-12 anaphylaxis;

2-13 (B) administering an epinephrine auto-injector;

2-14 (C) the different available dosages in
2-15 epinephrine auto-injectors, and the restrictions on the age or
2-16 weight of a person to whom each available dosage may be
2-17 administered;

2-18 (D) implementing emergency procedures, if
2-19 necessary, after administering an epinephrine auto-injector; and

2-20 (E) properly disposing of used or expired
2-21 epinephrine auto-injectors; and

2-22 (2) be provided in a formal training session or
2-23 through online education and be completed annually.

2-24 (i) Each day-care center shall maintain records on the
2-25 training required under this section.

2-26 (j) A person who in good faith takes, or fails to take,
2-27 action relating to the prescription of an epinephrine auto-injector
2-28 to a day-care center or the administration of an epinephrine
2-29 auto-injector in a day-care center is immune from civil or criminal
2-30 liability or disciplinary action resulting from that action or
2-31 failure to act, including:

2-32 (1) issuing an order for epinephrine auto-injectors;

2-33 (2) supervising or delegating the administration of an
2-34 epinephrine auto-injector;

2-35 (3) possessing, maintaining, storing, or disposing of
2-36 an epinephrine auto-injector;

2-37 (4) prescribing an epinephrine auto-injector;

2-38 (5) dispensing an epinephrine auto-injector;

2-39 (6) administering, or assisting in administering, an
2-40 epinephrine auto-injector;

2-41 (7) providing, or assisting in providing, training,
2-42 consultation, or advice in the development, adoption, or
2-43 implementation of policies, guidelines, rules, or plans; or

2-44 (8) undertaking any other act permitted or required
2-45 under this section.

2-46 (k) The immunities and protections provided by this section
2-47 are in addition to other immunities or limitations of liability
2-48 provided by law.

2-49 (l) Notwithstanding any other law, this section does not
2-50 create a civil, criminal, or administrative cause of action or
2-51 liability or create a standard of care, obligation, or duty that
2-52 provides a basis for a cause of action for an act or omission under
2-53 this section.

2-54 (m) An act or omission described by this section does not
2-55 create a cause of action.

2-56 SECTION 2. This Act takes effect immediately if it receives
2-57 a vote of two-thirds of all the members elected to each house, as
2-58 provided by Section 39, Article III, Texas Constitution. If this
2-59 Act does not receive the vote necessary for immediate effect, this
2-60 Act takes effect September 1, 2017.

2-61 * * * * *