By:  Gervin-Hawkins, Bernal, Allison H.B. No. 496

     (Senate Sponsor - Lucio)

(In the Senate - Received from the House May 13, 2019; May 14, 2019, read first time and referred to Committee on Education; May 17, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 2; May 17, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Taylor            X

Lucio                X

Bettencourt              X

Campbell             X

Fallon               X

Hall                     X

Hughes               X

Paxton               X

Powell               X

Watson               X

West                 X

COMMITTEE SUBSTITUTE FOR H.B. No. 496 By:  Lucio

A BILL TO BE ENTITLED

AN ACT

relating to traumatic injury response protocol and the use of bleeding control kits in public schools.

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

SECTION 1.  Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.030 to read as follows:

Sec. 38.030.  TRAUMATIC INJURY RESPONSE PROTOCOL. (a) A school district or open-enrollment charter school shall develop and annually make available a protocol for school employees and volunteers to follow in the event of a traumatic injury.

(b)  The protocol required under this section must provide for a school district or open-enrollment charter school to maintain and make available to school employees and volunteers a bleeding control kit for use in the event of a traumatic injury involving blood loss.

(c)  A bleeding control kit required under this section must be a first aid response kit that includes:

(1)  a tourniquet approved for use in battlefield trauma care by the armed forces of the United States;

(2)  compression bandages;

(3)  bleeding control bandages;

(4)  protective gloves;

(5)  markers;

(6)  scissors; and

(7)  instructional documents developed by the American College of Surgeons or the United States Department of Homeland Security detailing methods to prevent blood loss following a traumatic event.

(d)  In addition to the items listed under Subsection (c), a school district or open-enrollment charter school may also include in a bleeding control kit any medical material or equipment that:

(1)  may be readily stored in a bleeding control kit;

(2)  may be used to adequately treat an injury involving traumatic blood loss; and

(3)  is approved by local law enforcement or emergency medical services personnel.

(e)  The good faith use of a bleeding control kit by a school district or open-enrollment charter school employee to control the bleeding of an injured person is incident to or within the scope of the duties of the employee's position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Section 22.0511, and a school district or open-enrollment charter school and the employees of the district or school are immune from civil liability, as provided by that section, from damages or injuries resulting from that good faith use of a bleeding control kit. A school district or open-enrollment charter school volunteer is immune from civil liability from damages or injuries resulting from the good faith use of a bleeding control kit to the same extent as a professional employee of the district or school, as provided by Section 22.053.

(f)  Nothing in this section limits the immunity from liability of a school district, open-enrollment charter school, or district or school employee or volunteer under:

(1)  Sections 22.0511 and 22.053;

(2)  Section 101.051, Civil Practice and Remedies Code; or

(3)  any other applicable law.

(g)  This section does not create a cause of action against a school district or open-enrollment charter school or the employees or volunteers of the district or school.

SECTION 2.  As soon as practicable after the effective date of this Act, and not later than January 1, 2020, each school district and open-enrollment charter school shall develop and implement the traumatic injury response protocol required by Section 38.030, Education Code, as added by this Act.

SECTION 3.  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, 2019.

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