86R764 MEW-D

By:  Wilson H.B. No. 3881

A BILL TO BE ENTITLED

AN ACT

relating to the use of epinephrine auto-injectors in primary and secondary schools.

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

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

(c)  The executive commissioner of the Health and Human Services Commission, [~~in consultation with the commissioner of education, and~~] with advice from the advisory committee, shall adopt rules regarding the maintenance, administration, and disposal of an epinephrine auto-injector at a school campus subject to a policy adopted under Subsection (a).  The rules must establish:

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

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

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

SECTION 2.  Section 38.209, Education Code, is amended to read as follows:

Sec. 38.209.  REPORT ON ADMINISTERING EPINEPHRINE AUTO-INJECTOR. (a)  Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with a policy adopted under Section 38.208(a), the school shall report the information required under Subsection (b) to:

(1)  the school district, the charter holder if the school is an open-enrollment charter school, or the governing body of the school if the school is a private school;

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

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

[~~(4)~~]  the commissioner of state health services.

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

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

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

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

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

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

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

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

Sec. 38.214.  RULES. The [~~Except as otherwise provided by this subchapter, the commissioner of education and the~~] executive commissioner of the Health and Human Services Commission shall [~~jointly~~] adopt rules necessary to implement this subchapter.

SECTION 4.  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.