

By: Wilson

H.B. No. 3881

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of epinephrine auto-injectors in primary and  
3 secondary 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 executive commissioner of the Health and Human  
8 Services Commission, [~~in consultation with the commissioner of~~  
9 ~~education, and~~] with advice from the advisory committee, shall  
10 adopt rules regarding the maintenance, administration, and  
11 disposal of an epinephrine auto-injector at a school campus subject  
12 to a policy adopted under Subsection (a). The rules must  
13 establish:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27                   (6)  any other information required by the commissioner

1 of state health services [~~education~~].

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

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

8 SECTION 4. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2019.