

By: Huberty

H.B. No. 3967

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to certain health information of public school
3 students during an emergency evacuation.

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

5 SECTION 1. Subchapter A, Chapter 38, Education Code, is
6 amended by adding Section 38.0096 to read as follows:

7 Sec. 38.0096. ACCESS TO CERTAIN HEALTH INFORMATION DURING
8 EMERGENCY EVACUATION. (a) The commissioner by rule shall
9 establish procedures by which a school district, in the event of an
10 emergency evacuation of a school in the district, may share
11 relevant student medical information with a local hospital or local
12 medical center relating to medication that is administered to a
13 student during the school day by a school district employee or
14 qualified volunteer professional.

15 (b) The commissioner shall adopt rules under this section in
16 a manner that complies with federal law regarding confidentiality
17 of student medical or educational information, including the Health
18 Insurance Portability and Accountability Act of 1996 (42 U.S.C.
19 Section 1320d et seq.) and the Family Educational Rights and
20 Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law
21 relating to the privacy of student information.

22 SECTION 2. This Act applies beginning with the 2019-2020
23 school year.

24 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2019.