

BILL ANALYSIS

Senate Research Center
87R10969 CAE-F

H.B. 3819
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding public school district policies for the administration of asthma medicine and injectors, which currently apply only to students with a diagnosis of asthma. It has been suggested that these policies are too restrictive in their guidance given that not all students have this registered diagnosis despite having the signs and symptoms of asthma requiring prescription medication. There have been calls to ensure that these policies allow for the administration of potentially lifesaving medicine in an emergency situation, rather than having to wait for EMS to administer it at great cost. H.B. 3819 seeks to address this issue by clarifying the conditions under which this medicine may be administered to a student.

H.B. 3819 amends current law relating to a public school district policy providing that a school nurse may administer prescription asthma medicine to a student.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 38.208(b-1), Education Code, as follows:

(b-1) Requires that the policy, if a policy is adopted under Subsection (a-1) (relating to authorizing each school district, open-enrollment charter school, and private school to adopt and implement a policy authorizing a school nurse to maintain and administer asthma medicine at each campus in the district or school), provide that the school nurse is authorized to administer prescription asthma medicine to a student only if the school nurse has written notification from a parent or guardian of the student that the student has a medical history of asthma or a clinical presentation with signs and symptoms of asthma which may include respiratory distress, dyspnea, labored breathing, audible wheezing, tightness of chest, or a persistent cough, rather than that the student has been diagnosed as having asthma, and stating that the school nurse is authorized to administer prescription asthma medicine to the student.

SECTION 2. Effective date: upon passage or September 1, 2021.