By:  Menéndez S.B. No. 2535

A BILL TO BE ENTITLED

AN ACT

relating to the use of prescription glucagon medication on public and private school campuses.

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

SECTION 1.  Section 168.001, Health and Safety Code, is amended to read as follows:

Sec. 168.001.  DEFINITIONS. In this chapter:

(1)  "Diabetes management and treatment plan" means the document required by Section 168.002.

(2)  "Glucagon medication" means any medication used to treat low blood sugar that contains the hormone glucagon.

(3) [~~(2)~~] "Individualized health plan" means the document required by Section 168.003.

(4) [~~(3)~~] "Principal" includes the principal's designee.

(5) [~~(4)~~] "School" means a public elementary or secondary school. The term does not include an open-enrollment charter school established under Subchapter D, Chapter 12, Education Code.

(6) [~~(5)~~] "School employee" means a person employed by:

(A)  a school;

(B)  a local health department that assists a school under this chapter; or

(C)  another entity with which a school has contracted to perform its duties under this chapter.

(7)  "Undesignated glucagon medication" means glucagon medication prescribed in the name of a school.

(8) [~~6~~] "Unlicensed diabetes care assistant" means a school employee who has successfully completed the training required by Section 168.005.

SECTION 2.  Section 168.004, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d)  An unlicensed diabetes care assistant may carry undesignated glucagon medication on his or her person.

SECTION 3.  Chapter 168, Health and Safety Code, is amended by adding Section 168.012 to read as follows:

Sec. 168.012.  MAINTENANCE OF GLAUCOGEN MEDICATION. (a) Each school district, open-enrollment charter school, and private school may adopt and implement a policy regarding the maintenance, administration, and disposal of glucagon medication at each campus in the district or school.

(b)  The supply of glucagon medication at each campus must be stored in a secure location and be easily accessible to unlicensed diabetes care assistants and the school nurse.

(c)  A physician or person who has been delegated prescriptive authority under Chapter 157, Occupations Code, may prescribe glucagon medication in the name of a school district, open-enrollment charter school, or private school.

(d)  A pharmacist may dispense glucagon medication to a school district, open-enrollment charter school, or private school without requiring the name or any other identifying information relating to the user.

(e)  The executive commissioner of the Health and Human Services Commission, in consultation with the commissioner of education, shall adopt rules regarding the maintenance, administration, and disposal of glucagon medication at a school campus.

(f)  The policy described by Subsection (a) may not require a school district, open-enrollment charter school, or private school to purchase glucagon medication or require any other expenditure related to the maintenance or administration of glucagon medication that would result in a negative fiscal impact on the district or school.

SECTION 4.  This Act applies beginning with the 2023-2024 school year.

SECTION 5.  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, 2023.