By: Hinojosa H.B. No. 2261

A BILL TO BE ENTITLED

AN ACT

relating to the maintenance of anaphylaxis medicine by a public school.

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

SECTION 1. Section 38.0151, Education Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) The guidelines described by Subsection (a) may not:

(1) require a school district or open-enrollment charter school to make any [~~purchase prescription anaphylaxis medication, such as epinephrine, or require any other~~] expenditure that would result in a negative fiscal impact on the district or charter school, other than an expenditure necessary to satisfy Subsection (c-1); or

(2) require the personnel of a district or charter school to administer treatments approved by the United States Food and Drug Administration to treat anaphylaxis [~~anaphylaxis medication~~], such as epinephrine, to a student unless the anaphylaxis medication is prescribed for that student.

(c-1) Each school district and open-enrollment charter school shall maintain at each campus a supply of anaphylaxis medication, including an epinephrine auto-injector, that may be administered to a person experiencing an anaphylactic reaction on campus or at an off-campus school event, regardless of whether the

medication or auto-injector was prescribed for that person.

SECTION 2. Section 38.208(b), Education Code, is amended to read as follows:

(b) If a policy is adopted under Subsection (a), the policy:

(1) must require the school district or open-enrollment charter school to maintain at each campus a supply of anaphylaxis medicine, including an epinephrine auto-injector, that may be administered to a person experiencing an anaphylactic reaction on campus or at an off-campus school event, regardless of whether the medicine or auto-injector was prescribed for that person;

(2) must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and

(3) [~~(2)~~] may provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

SECTION 3. Section 38.0151(h), Education Code, is repealed.

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.