By: Jones of Harris H.B. No. 3680

A BILL TO BE ENTITLED

AN ACT

relating to the administration of opioid antagonists by a school nurse or school district administrative personnel at public school campuses.

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

SECTION 1. The heading to Subchapter E, Chapter 38, Education Code, is amended to read as follows:

SUBCHAPTER E. MAINTENANCE, [~~AND~~] ADMINISTRATION, AND DISPOSAL OF EPINEPHRINE AUTO-INJECTORS, [~~AND~~] ASTHMA MEDICINE, AND OPIOID ANTAGONISTS

SECTION 2. Section 38.201, Education Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Opioid antagonist" and "opioid-related drug overdose" have the meanings assigned by Section 483.101, Health and Safety Code.

SECTION 3. The heading to Section 38.208, Education Code, is amended to read as follows:

Sec. 38.208. MAINTENANCE, [~~AND~~] ADMINISTRATION, AND DISPOSAL OF EPINEPHRINE AUTO-INJECTORS, [~~AND~~] ASTHMA MEDICINE, AND OPIOID ANTAGONISTS.

SECTION 4. Section 38.208, Education Code, is amended by adding Subsections (a-2) and (c-1) and amending Subsections (c) and (e) to read as follows:

(a-2) Each school district and open-enrollment charter

school shall adopt and implement a policy authorizing a school nurse or, if the district or school does not employ a school nurse or the school nurse is not present at the campus, an authorized campus administrative personnel to maintain, administer, and dispose of an opioid antagonist at each campus in the district or school that serves students in grades 6 through 12.

(c) The executive commissioner of the Health and Human Services Commission, in consultation with the commissioner of education, and with advice from the advisory committee as appropriate, shall adopt rules regarding:

(1) the maintenance, administration, and disposal of an epinephrine auto-injector at a school campus subject to a policy adopted under Subsection (a);

(2) [~~and~~] the maintenance and administration of asthma medicine at a school campus subject to a policy adopted under Subsection (a-1); and

(3) the maintenance, administration, and disposal of an opioid antagonist at a campus subject to a policy adopted under Subsection (a-2).

(c-1) The rules adopted under Subsection (c) must establish:

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

(2) the amount of prescription asthma medicine available at each campus;

(3) the amount and type of opioid antagonists available at each campus;

(4) the process for a [~~each~~] school district, open-enrollment charter school, and private school, as applicable, to check the inventory of epinephrine auto-injectors, [~~and~~] asthma medicine, and opioid antagonists at regular intervals for expiration and replacement; and

(5) [~~(4)~~] the amount of training required for school personnel and school volunteers to administer an epinephrine auto-injector.

(e) The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector. The supply of asthma medicine and opioid antagonists at each campus must be stored in a secure location and be easily accessible to the school nurse.

SECTION 5. Section 38.209, Education Code, is amended to read as follows:

Sec. 38.209. REPORT ON ADMINISTERING EPINEPHRINE AUTO-INJECTOR OR OPIOID ANTAGONIST. (a) Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with a policy adopted under Section 38.208(a), or a school nurse or campus administrative personnel administers an opioid antagonist under Section 38.208(a-2), the school shall report the information required under Subsection (b) to:

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

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

(3) the commissioner of state health services.

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

(1) the age of the person who received the administration of the epinephrine auto-injector or opioid antagonist;

(2) whether the person who received the administration of the epinephrine auto-injector or opioid antagonist was a student, a school personnel member or school volunteer, or a visitor, as applicable;

(3) the physical location where the epinephrine auto-injector or opioid antagonist was administered;

(4) the number of doses of epinephrine auto-injector or opioid antagonist administered;

(5) the title of the person who administered the epinephrine auto-injector or opioid antagonist; and

(6) any other information required by the commissioner of education.

SECTION 6. The heading to Section 38.211, Education Code, is amended to read as follows:

Sec. 38.211. PRESCRIPTION OF EPINEPHRINE AUTO-INJECTORS, [~~AND~~] ASTHMA MEDICINE, AND OPIOID ANTAGONISTS.

SECTION 7. Sections 38.211(a), (b), (c), (e), and (f), Education Code, are amended to read as follows:

(a) A physician or person who has been delegated

prescriptive authority under Chapter 157, Occupations Code, may prescribe:

(1) epinephrine auto-injectors or asthma medicine in the name of a school district, open-enrollment charter school, or private school; or

(2) opioid antagonists in the name of a school district or open-enrollment charter school.

(b) A physician or other person who prescribes epinephrine auto-injectors, [~~or~~] asthma medicine, or opioid antagonists under Subsection (a) shall provide the school district, open-enrollment charter school, or private school with a standing order for the administration of, as applicable:

(1) an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis; [~~or~~]

(2) asthma medicine to a person reasonably believed to be experiencing a symptom of asthma and who has provided written notification and permission as required by Section 38.208(b-1); or

(3) an opioid antagonist to a person reasonably believed to be experiencing an opioid-related drug overdose.

(c) The standing order under Subsection (b) is not required to be patient-specific, and the epinephrine auto-injector, [~~or~~] asthma medicine, or opioid antagonist may be administered to a person without a previously established physician-patient relationship.

(e) An order issued under this section must contain:

(1) the name and signature of the prescribing physician or other person;

(2) the name of the school district, open-enrollment charter school, or private school to which the order is issued;

(3) the quantity of epinephrine auto-injectors, [~~or~~] asthma medicine, or opioid antagonists to be obtained and maintained under the order; and

(4) the date of issue.

(f) A pharmacist may dispense, without requiring the name or any other identifying information relating to the user:

(1) an epinephrine auto-injector or asthma medicine to a school district, open-enrollment charter school, or private school; or

(2) an opioid antagonist to a school district or open-enrollment charter school [~~without requiring the name or any other identifying information relating to the user~~].

SECTION 8. Section 38.215(a), Education Code, is amended to read as follows:

(a) A person who in good faith takes, or fails to take, any action under this subchapter is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

(1) issuing an order for epinephrine auto-injectors, [~~or~~] asthma medicine, or opioid antagonists;

(2) supervising or delegating the administration of an epinephrine auto-injector or asthma medicine;

(3) possessing, maintaining, storing, or disposing of an epinephrine auto-injector, [~~or~~] asthma medicine, or opioid antagonist;

(4) prescribing an epinephrine auto-injector, [~~or~~] asthma medicine, or opioid antagonist;

(5) dispensing:

(A) an epinephrine auto-injector or opioid antagonist; or

(B) asthma medicine, provided that permission has been granted as provided by Section 38.208(b-1);

(6) administering, or assisting in administering:

(A) [~~,~~] an epinephrine auto-injector or opioid antagonist; or

(B) asthma medicine, provided that permission has been granted as provided by Section 38.208(b-1);

(7) providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or

(8) undertaking any other act permitted or required under this subchapter.

SECTION 9. This Act applies beginning with the 2023-2024 school year.

SECTION 10. 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.