

BILL ANALYSIS

Senate Research Center

H.B. 549
By: Vasut (Johnson)
Education K-16
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Choking incidents can pose significant risks in school environments, especially dining areas. Currently, many schools rely solely on trained personnel to perform the Heimlich maneuver or other first-aid techniques, which may not always be effective or timely. Airway clearance devices offer an additional option in preventing severe injury or death resulting from airway obstruction.

H.B. 549 would allow public schools to receive donations for airway clearance devices and then appropriately place them in significant locations, namely where students consume food. School districts would be able to procure these devices through donations or appropriation of funds for the devices or donations of the devices themselves. By creating an allowance for school districts, the bill opens additional avenues to prevent serious health risks associated with these issues.

H.B. 549 amends current law relating to the availability and use of airway clearance devices at public school campuses.

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. Authorizes this Act to be cited as the Westyn Bryan Mandrell Act.

SECTION 2. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.0171, as follows:

Sec. 38.0171. AVAILABILITY OF AIRWAY CLEARANCE DEVICE. (a) Defines "airway clearance device."

(b) Requires each school district, except as provided by Subsection (c), to make available at each district campus at least one airway clearance device appropriate for use on the majority of students enrolled at the campus. Requires the principal of the campus, in determining the location at which to store the device, to consider the primary location on campus where students consume food.

(c) Provides that a school district is required to comply with Subsection (b) with respect to a district campus only if the district may obtain an airway clearance device for the campus through donation of the device in the original packaging or purchase or lease of the device using money appropriated or donated to the district for that purpose.

(d) Requires each school district to ensure the presence at each location at which an airway clearance device required under Subsection (b) is stored of at least one campus or district employee trained in the proper use of the

device at any time a substantial number of students are present at the location.

(e) Requires a school district to ensure that each airway clearance device is stored and used in accordance with the manufacturer's specifications and any applicable law.

(f) Provides that this section does not waive any immunity from liability of a school district or the district's officers or employees, create any liability for or a cause of action against a school district or the district's officers or employees, or waive any immunity from liability under Section 74.151 (Liability for Emergency Care), Civil Practice and Remedies Code.

(g) Authorizes a school district to solicit and accept gifts, grants, or other donations to obtain airway clearance devices required under this section.

SECTION 3. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 4. Effective date: upon passage or September 1, 2025.