

## **BILL ANALYSIS**

H.B. 549  
By: Vasut  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Choking incidents, although relatively rare, pose a significant risk in school environments where large numbers of students dine daily. Immediate access to airway clearance devices can be crucial in preventing severe injury or death resulting from airway obstructions. However, the bill author has informed the committee that many schools currently rely solely on trained personnel to perform the Heimlich maneuver or other first-aid techniques, which may not always be effective or timely. H.B. 549 seeks to address this issue by providing for the availability of airway clearance devices at public school district campuses by means of donation.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 549 amends the Education Code to require each public school district to make available at least one airway clearance device appropriate for use on the majority of enrolled students at each campus for which the district may obtain such a device through donation of the device in the original packaging or through purchase or lease of the device using money appropriated or donated to the district for that purpose. The bill defines "airway clearance device" as a noninvasive device capable of removing or assisting with the removal of a person's foreign-body airway obstruction. The bill requires the principal of each campus to consider the primary location on campus where students consume food in determining the location at which to store the device. The bill requires each district to ensure the presence at each location at which an airway clearance device 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 and to ensure that each airway clearance device is stored and used in accordance with the manufacturer's specifications and any applicable law. The bill authorizes a district to solicit and accept gifts, grants, or other donations to obtain airway clearance devices.

H.B. 549 expressly does not waive any immunity from liability of a district or the district's officers or employees, create any liability for or a cause of action against a district or the district's officers or employees, or waive any immunity from liability under statutory provisions governing medical liability for administration of emergency care.

H.B. 549 applies beginning with the 2025-2026 school year.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.