

BILL ANALYSIS

Senate Research Center
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S.B. 611
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Education K-16
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Anaphylaxis is a severe and potentially life-threatening allergic reaction that can occur within minutes of exposure to an allergen. Prompt administration of epinephrine is essential to preventing serious health complications. Schools are a high-risk environment, as nearly one in 20 children have food allergies, and over half of anaphylactic reactions in Texas schools happen in students with no prior allergy diagnosis. While current laws require public and charter schools to stock unassigned epinephrine auto-injectors (Epi-Pens), they do not account for newer delivery methods, such as nasal sprays, which may be easier to administer. Additionally, despite reporting requirements, a prescribing physician was only notified in one-third of cases last year, highlighting procedural inefficiencies.

The Cameron Espinosa Act, passed in 2015, required Texas public and charter schools to maintain a supply of unassigned epinephrine auto-injectors. Later legislation expanded access to higher education institutions and established periodic reviews of epinephrine administration policies.

S.B. 611 expands the list of people who can prescribe epinephrine medication to include the Department of State Health Services (DSHS) through a statewide standing order.

The committee substitute establishes that if DSHS has not issued a standing order within 30 days of the start of a school year, a regional director of a public health region or a local health authority may issue a standing order for the area. It also includes liability protection provisions for DSHS when issuing the statewide standing order.

As proposed, S.B. 611 amends current law relating to a statewide standing order prescribing epinephrine auto-injectors to public and private schools.

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. Amends Section 38.211, Education Code, by adding Subsection (b-1), and amending Subsection (c), as follows:

(b-1) Authorizes the commissioner of state health services (commissioner) or, if the commissioner is not a physician, the chief medical executive of the Department of State Health Services, to issue a statewide standing order prescribing epinephrine auto-injectors to a school district, open-enrollment charter school, or private school.

(c) Provides that the standing order under Subsection (b) (relating to the provision of certain standing orders by a physician or other person who prescribes epinephrine auto-injectors or medication for respiratory distress in the name of certain educational entities) or (b-1) is not required to be patient specific, and authorizes the epinephrine auto-injector or medication for respiratory distress to be administered to a person without a previously established physician-patient relationship.

SECTION 2. Effective date: upon passage or September 1, 2025.