

BILL ANALYSIS

Senate Research Center

S.B. 920
By: Sparks
Education K-16
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the summer of 2024, many school districts reached out because there was confusion about whether licensed nurses working in schools were violating the Nursing Practice Act by administering over-the-counter medications to students. In August of 2024, the Texas Board of Nursing released a statement saying the Nursing Practice Act was "silent on the universal and standard use of safe over-the-counter medications when the parent or guardian appropriately authorizes the treatments option to be administered by a school nurse." Additionally, the Texas Board of Nursing did state, "administering over-the-counter medication without a valid order falls outside the scope of vocational and professional nursing practices." Under Section 22.052 of the Texas Education Code, school district employees are able to administer over-the-counter medications, such as Tylenol, Benadryl, and Vaseline, if they receive written permission from a student's guardian and the medication is in the original container. Licensed school nurses raised concerns that they would be risking their license if they continued to administer these medications to students. Some were told that school nurses would need a standing order or doctor's prescription to continue administering these drugs. This imposes an unnecessary burden on students and families. Texas should clarify in statute that nurses can continue to do what they have been doing for years: administering over-the-counter medications to children if they have (1) the parent's permission and (2) the medication is in its original container. S.B. 920 clarifies that licensed nurses can continue administering over-the-counter medication. Additionally, S.B. 920 clarifies that private schools and charter schools are included in the immunity from liability provisions that previously were only clearly in reference to public school employees.

As proposed, S.B. 920 amends current law relating to the administration of medication by open-enrollment charter schools, private schools, and school employees.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Nursing is modified in SECTION 3 (Section 301.151, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.052(a), Education Code, as follows:

(a) Provides that, on the adoption of policies concerning the administration of medication to students by school district employees, the school district, its board of trustees, and its employees are immune from civil liability and administrative disciplinary action for damages or injuries resulting from the administration of medication to a student if certain conditions on consent and proper labeling are met. Makes a nonsubstantive change.

SECTION 2. Amends Subchapter B, Chapter 22, Education Code, by adding Section 22.0521, as follows:

Sec. 22.0521. ADMINISTRATION OF MEDICATION BY OPEN-ENROLLMENT CHARTER SCHOOL OR PRIVATE SCHOOL. (a) Defines "school."

(b) Provides that, on the adoption of policies concerning the administration of medication to students by school employees, the school, its governing board, and

its employees are immune from civil liability and administrative disciplinary action for damages or injuries resulting from the administration of medication to a student if:

- (1) the school has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student; and
- (2) when administering prescription medication, the medication is administered either:
 - (A) from a container that appears to be the original container and properly labeled, or
 - (B) from a properly labeled unit dosage container filled by a registered nurse or another qualified school employee, as determined by school policy, from a container described by Paragraph (A).
- (c) Authorizes the governing board to allow a licensed physician or registered nurse who provides volunteer services to the school and for whom the school provides liability insurance to administer to a student nonprescription medication or medication currently prescribed for the student by the student's personal physician.
- (d) Prohibits this section from being construed as granting immunity from civil liability or administrative disciplinary action for injuries resulting from gross negligence.

SECTION 3. Amends Section 301.151, Occupations Code, as follows:

Sec. 301.151. GENERAL RULEMAKING AUTHORITY. Authorizes the Texas Board of Nursing to adopt and enforce rules consistent with this chapter and necessary to perform certain actions, including determining whether an act constitutes the practice of professional nursing or vocational nursing, except as provided by Sections 22.052(a) (relating to providing that school districts and employees have immunity if consent and proper labeling requirements are met) and 22.0521(b), Education Code.

SECTION 4. Effective date: September 1, 2025.