

BILL ANALYSIS

Senate Research Center
89R8319 CMO-D

S.B. 1174
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Education K-16
3/4/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

School nurses provide vital care for the wellbeing of students, including administering over-the-counter (OTC) medications like Neosporin and Ibuprofen with parental consent for minor injuries or ailments. However, a recent Texas Board of Nursing communication stated that the Nursing Practice Act prohibits nurses from administering OTCs without a physician's written order. While standard in medical settings, this requirement creates unnecessary administrative and financial burdens for schools, especially for rural districts in healthcare deserts. This proposed legislation allows school nurses and authorized staff to administer OTCs with parental consent. S.B. 1174 seeks to provide students with access to essential care and still uphold necessary safeguards.

As proposed, S.B. 1174 amends current law relating to the administration of nonprescription medications to certain public and private school students.

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 the heading to Section 22.052, Education Code, to read as follows:

Sec. 22.052. ADMINISTRATION OF MEDICATION BY SCHOOL DISTRICT, OPEN-ENROLLMENT CHARTER SCHOOL, OR PRIVATE SCHOOL EMPLOYEES OR VOLUNTEER PROFESSIONALS; IMMUNITY FROM LIABILITY.

SECTION 2. Amends Section 22.052, Education Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

(a) Provides that, on the adoption of policies concerning the administration of medication to students by school district, open-enrollment charter school, or private school employees, the school district, open-enrollment charter school, or private school, its board of trustees or other governing body, as applicable, and its employees are immune from civil liability from damages or injuries resulting from the administration of medication to a student if certain circumstances are met. Makes conforming changes.

(a-1) Authorizes a policy adopted under Subsection (a) to permit a school district, open-enrollment charter school, or private school employee, including a nurse, to administer nonprescription medication to a student without further authorization or written protocol from the student's health care provider if:

- (1) the district or school has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student;
- (2) the medication is unexpired and administered from a container that appears to be the original container and properly labeled; and

(3) the dose administered is consistent with the instructions on the container's label.

(b) Authorizes the board of trustees or other governing body, as applicable, to allow a licensed physician or registered nurse who provides volunteer services to the school district, open-enrollment charter school, or private school and for whom the district or school provides liability insurance to administer to a student nonprescription medication or medication currently prescribed for the student by the student's health care provider, rather than personal physician.

SECTION 3. Amends Section 301.002(2), Occupations Code, to redefine "professional nursing."

SECTION 4. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 5. Effective date: upon passage or September 1, 2025.