

BILL ANALYSIS

S.B. 1619
By: Zaffirini
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill's sponsor has informed the committee that current Texas law regarding epinephrine access is in need of an update to allow schools, emergency medical personnel, and other authorized entities to stock and administer any FDA-approved epinephrine delivery device, including auto-injectors and nasal sprays, in part to respond to recent advancements in FDA-approved epinephrine treatments, particularly the approval in August 2024 of neffy, which is an easy to administer and needle-free epinephrine nasal spray. Current Texas law only provides for the use of epinephrine auto-injectors, which limits for the ability of schools, emergency responders, and other public entities. According to articles published in 2024 in *The Journal of Allergy and Clinical Immunology*, nasal spray epinephrine is more stable in different temperature conditions and does not degrade as quickly as traditional auto-injectable epinephrine. S.B. 1619 seeks to enable access to additional effective treatment options for anaphylaxis by replacing references to "epinephrine auto-injector" with references to "epinephrine delivery device" in certain Education Code, Health and Safety Code, Human Resources Code, and Occupations Code provisions relating to the possession, maintenance, storage, administration, and disposal of, and prescriptions for epinephrine auto-injectors.

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

S.B. 1619 amends the Education Code, Health and Safety Code, Human Resources Code, and Occupations Code to replace references to "epinephrine auto-injector" with references to "epinephrine delivery device" in provisions that relate to the following:

- the maintenance and administration of epinephrine auto-injectors and medication for respiratory distress by public school districts, open-enrollment charter schools, and private schools, as applicable;
- the maintenance, storage, administration, and disposal of epinephrine auto-injectors by public institutions of higher education;
- the possession and administration of epinephrine under the Emergency Health Care Act by emergency medical services personnel and qualifying amusement parks, child-care facilities, day camps or youth camps, private or independent institutions of higher education, restaurants, sports venues, youth centers, and any other entity, other than a governmental entity, designated by rule of the executive commissioner of the Health and Human Services Commission;

- prescriptions for and the administration of epinephrine auto-injectors applicable to day-care centers;
- the administration of epinephrine by a pharmacist; and
- the emergency administration of epinephrine by a law enforcement officer.

For purposes of these provisions, the bill defines "epinephrine delivery device" as a medical delivery device approved by the FDA that delivers a dose of epinephrine intended for use to treat anaphylaxis, including an epinephrine auto-injector and an epinephrine nasal spray. The bill also defines "epinephrine auto-injector," for purposes of those provisions that are under the Emergency Health Care Act and relate to the administration of epinephrine by a pharmacist, as a disposable medical drug delivery device that contains a premeasured single dose of epinephrine intended for use to treat anaphylaxis.

EFFECTIVE DATE

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