

BILL ANALYSIS

Senate Research Center
89R5992 RAL-F

S.B. 1619
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Education K-16
3/17/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The administration of epinephrine, the first-line treatment for anaphylaxis—a severe, potentially life-threatening allergic reaction that can cause difficulty breathing, swelling, and a dangerous drop in blood pressure—has traditionally relied on auto-injectors, such as EpiPens. New technologies, however, including nasal sprays and other emerging delivery methods, offer additional treatment options. Some of these alternatives may be more affordable and accessible, yet current Texas law exclusively references "auto-injectors," which may create confusion and limit the adoption of newer, medically approved devices. Updating statutory language is necessary to ensure Texans can access all available epinephrine treatments without requiring frequent legislative updates.

S.B. 1619 is a cleanup bill that would replace the term "auto-injector" with "delivery device" across relevant statutes. This update would ensure the law includes all FDA-approved epinephrine delivery methods, including current and future technologies, while helping to remove unnecessary cost barriers for patients.

By modernizing terminology, improving statutory consistency, and allowing for more affordable treatment options, S.B. 1619 would help ensure Texans experiencing anaphylaxis have access to the most effective and cost-efficient epinephrine treatments available.

As proposed, S.B. 1619 amends current law relating to the use of an epinephrine delivery device by certain entities.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of state health services is transferred to the executive commissioner of the Health and Human Services Commission and modified in SECTION 16 (Section 51.882, Education Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 7 (Section 38.208, Education Code), SECTION 23 (Section 773.014, Health and Safety Code), and SECTION 25 (Section 773.050, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Texas State Board of Pharmacy is modified in SECTION 29 (Section 562.057, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 38.0151(f), Education Code, to provide that a school district or open-enrollment charter school that provides for the maintenance, administration, and disposal of epinephrine delivery devices, rather than epinephrine auto-injectors, under Subchapter E is not required to comply with Section 38.0151 (Policies for Care of Certain Students at Risk of Anaphylaxis).

SECTION 2. Amends the heading to Subchapter E, Chapter 38, Education Code, to read as follows:

SUBCHAPTER E. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE
DELIVERY DEVICES AND MEDICATION FOR RESPIRATORY DISTRESS

SECTION 3. Amends Section 38.201, Education Code, by amending Subdivision (3-a) and adding Subdivision (3-b) to define "epinephrine delivery device."

SECTION 4. Amends Section 38.202(a), Education Code, to make conforming changes.

SECTION 5. Amends Section 38.207, Education Code, to make conforming changes.

SECTION 6. Amends the heading to Section 38.208, Education Code, to read as follows:

Sec. 38.208. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE
DELIVERY DEVICES AND MEDICATION FOR RESPIRATORY DISTRESS.

SECTION 7. Amends Sections 38.208(a), (b), (c), (d), (d-2), and (e), Education Code, as follows:

(a)-(b) Makes conforming changes to these subsections.

(c) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), in consultation with the commissioner of education, and with advice from the advisory committee established under Section 38.202 (Advisory Committee: Establishment and Composition) as appropriate, to adopt rules regarding the maintenance, administration, and disposal of an epinephrine deliver device, rather than an epinephrine auto-injector, at a school campus. Makes conforming changes.

(d), (d-2), and (e) Makes conforming changes to these subsections.

SECTION 8. Amends Section 38.209, Education Code, as follows:

Sec. 38.209. New heading: REPORT ON ADMINISTERING EPINEPHRINE
DELIVERY DEVICE. (a)-(b) Makes conforming changes to these subsections.

SECTION 9. Amends Section 38.210(a), Education Code, to make conforming changes.

SECTION 10. Amends the heading to Section 38.211, Education Code, to read as follows:

Sec. 38.211. PRESCRIPTION OF EPINEPHRINE DELIVERY DEVICES AND
MEDICATION FOR RESPIRATORY DISTRESS.

SECTION 11. Amends Sections 38.211(a), (b), (c), (e), and (f), Education Code, as follows:

(a)-(c) Makes conforming changes to these subsections.

(e) Requires that an order issued under Section 38.211 contain certain information, including, as applicable, the quantity and types of epinephrine delivery devices, rather than epinephrine auto-injectors, or the quantity and types of medications for respiratory distress to be obtained and maintained under the order.

(f) Makes a conforming change to this subsection.

SECTION 12. Amends Section 38.215(a), Education Code, to make conforming changes.

SECTION 13. Amends the heading to Subchapter Y-1, Chapter 51, Education Code, to read as follows:

SUBCHAPTER Y-1. MAINTENANCE, STORAGE, ADMINISTRATION, AND DISPOSAL
OF EPINEPHRINE DELIVERY DEVICES

SECTION 14. Amends Section 51.881, Education Code, by adding Subdivision (4-a) to define "epinephrine delivery device."

SECTION 15. Amends the heading to Section 51.882, Education Code, to read as follows:

Sec. 51.882. MAINTENANCE, STORAGE, ADMINISTRATION, AND DISPOSAL OF EPINEPHRINE DELIVERY DEVICES.

SECTION 16. Amends Sections 51.882(a), (b), (c), (d), and (e), Education Code, as follows:

(a)-(b) Makes conforming changes to these subsections.

(c) Requires the executive commissioner, rather than the commissioner of state health services, with advice from the advisory committee to adopt rules regarding the maintenance, storage, administration, and disposal of an epinephrine delivery device, rather than an epinephrine auto-injector, on the campus of an institution of higher education subject to a policy adopted under Subsection (a) (relating to authorizing each institution of higher education to adopt and implement a policy regarding epinephrine delivery devices on the institution's campus). Makes conforming changes.

(d)-(e) Makes conforming changes to these subsections.

SECTION 17. Amends Section 51.883, Education Code, as follows:

Sec. 51.883. New heading: REPORT ON ADMINISTERING EPINEPHRINE DELIVERY DEVICE. (a)-(b) Makes conforming changes to these subsections.

SECTION 18. Amends Sections 51.884(a) and (b), Education Code, to make conforming changes.

SECTION 19. Amends the heading to Section 51.885, Education Code, to read as follows:

Sec. 51.885. PRESCRIPTION OF EPINEPHRINE DELIVERY DEVICES.

SECTION 20. Amends Sections 51.885(a), (b), (d), and (e), Education Code, to make conforming changes.

SECTION 21. Amends Section 51.888(a), Education Code, to make conforming changes.

SECTION 22. Amends Section 773.003, Health and Safety Code, by amending Subdivision (15-a) and adding Subdivisions (15-b) and (15-c) to define "epinephrine auto-injector" and "epinephrine delivery device."

SECTION 23. Amends Sections 773.014(a), (b), (c), (c-1), (d), (e), (f), and (g), Health and Safety Code, as follows:

(a) Makes conforming changes to this subsection.

(b) Requires that the rules adopted by the executive commissioner designed to protect the public health and safety to implement Section 773.014 (Administration of Epinephrine by Emergency Medical Services Personnel) authorize emergency services personnel to administer an epinephrine delivery device, rather than an epinephrine auto-injector device, to another only if the person has successfully completed a certain training course.

(c)-(g) Makes conforming changes to these subsections.

SECTION 24. Amends Sections 773.0145(a), (c), (d), (e), (f), (g), (h), (i), (k), (l), (m), (o), (p), (q), and (r), Health and Safety Code, to make conforming changes.

SECTION 25. Amends Section 773.050(g), Health and Safety Code, to require that rules by the executive commissioner adopting minimum standards under Section 773.050 (Minimum Standards) require an emergency services vehicle to be equipped with an epinephrine delivery device, rather than with an epinephrine auto-injector device or similar device, to treat anaphylaxis.

SECTION 26. Amends the heading to Section 42.067, Human Resources Code, to read as follows:

Sec. 42.067. EPINEPHRINE DELIVERY DEVICES; IMMUNITY FROM LIABILITY.

SECTION 27. Amends Section 42.067(a), Human Resources Code, by adding Subdivision (2-a) to define "epinephrine delivery device."

SECTION 28. Amends Sections 42.067(b), (c), (d), (f), (g), (h), (i), (k), (l), (n), and (q), Human Resources Code, to make conforming changes.

SECTION 29. Amends Section 562.057, Occupations Code, as follows:

(a) Makes conforming changes to this subsection.

(b) Requires that the rules adopted by the Texas State Board of Pharmacy designed to protect the public health and safety to implement Section 562.057 (Administration of Epinephrine) provide that a pharmacist is authorized to administer epinephrine through an epinephrine delivery device, rather than through an epinephrine auto-injector device, to a patient in an emergency situation.

(c)-(f) Makes conforming changes to these subsections.

(g) Defines "epinephrine auto-injector" and "epinephrine delivery device."

SECTION 30. Amends Section 1701.701, Occupations Code, by adding Subdivision (2-a) to define "epinephrine delivery device."

SECTION 31. Amends Section 1701.702, Occupations Code, to make conforming changes.

SECTION 32. Amends Sections 1701.703(a), (b), (c), (e), and (f), Occupations Code, to make conforming changes.

SECTION 33. Amends Section 1701.704, Occupations Code, as follows:

Sec. 1701.704. New heading: MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE DELIVERY DEVICES. Makes conforming changes to this section.

SECTION 34. Amends Section 1701.705, Occupations Code, as follows:

Sec. 1701.705. New heading: NOTIFICATION OF ADMINISTRATION OF EPINEPHRINE DELIVERY DEVICE. Makes conforming changes to this section.

SECTION 35. Amends Section 1701.707, Occupations Code, to make a conforming change.

SECTION 36. Amends Section 1701.708(a), Occupations Code, to make conforming changes.

SECTION 37. Effective date: upon passage or September 1, 2025.