

By: Vasut, et al.

H.B. No. 549

A BILL TO BE ENTITLED

AN ACT

relating to the availability and use of airway clearance devices at public school campuses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Westyn Bryan Mandrell Act.

SECTION 2. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0171 to read as follows:

Sec. 38.0171. AVAILABILITY OF AIRWAY CLEARANCE DEVICE. (a) In this section, "airway clearance device" means a noninvasive device capable of removing or assisting with the removal of a person's foreign-body airway obstruction.

(b) Except as provided by Subsection (c), each school district shall make available at each district campus at least one airway clearance device appropriate for use on the majority of students enrolled at the campus. In determining the location at which to store the device, the principal of the campus shall consider the primary location on campus where students consume food.

(c) A school district must comply with Subsection (b) with respect to a district campus only if the district may obtain an airway clearance device for the campus through:

(1) donation of the device in the original packaging;  
or

1           (2) purchase or lease of the device using money  
2 appropriated or donated to the district for that purpose.

3           (d) Each school district shall ensure the presence at each  
4 location at which an airway clearance device required under  
5 Subsection (b) is stored of at least one campus or district employee  
6 trained in the proper use of the device at any time a substantial  
7 number of students are present at the location.

8           (e) A school district shall ensure that each airway  
9 clearance device is stored and used in accordance with the  
10 manufacturer's specifications and any applicable law.

11           (f) This section does not:

12                 (1) waive any immunity from liability of a school  
13 district or the district's officers or employees;

14                 (2) create any liability for or a cause of action  
15 against a school district or the district's officers or employees;  
16 or

17                 (3) waive any immunity from liability under Section  
18 74.151, Civil Practice and Remedies Code.

19           (g) A school district may solicit and accept gifts, grants,  
20 or other donations to obtain airway clearance devices required  
21 under this section.

22           SECTION 3. This Act applies beginning with the 2025-2026  
23 school year.

24           SECTION 4. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2025.