

By: Cortez

H.B. No. 2283

A BILL TO BE ENTITLED

AN ACT

relating to the use of an epinephrine delivery device by certain entities.

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

SECTION 1. Section 38.0151(f), Education Code, is amended to read as follows:

(f) A school district or open-enrollment charter school that provides for the maintenance, administration, and disposal of epinephrine delivery devices [~~auto-injectors~~] under Subchapter E is not required to comply with this section.

SECTION 2. The heading to Subchapter E, Chapter 38, Education Code, is amended to read as follows:

SUBCHAPTER E. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE
DELIVERY DEVICES [~~AUTO-INJECTORS~~] AND MEDICATION FOR RESPIRATORY
DISTRESS

SECTION 3. Section 38.201, Education Code, is amended by amending Subdivision (3-a) and adding Subdivision (3-b) to read as follows:

(3-a) "Epinephrine delivery device" means a medical delivery device approved by the United States Food and Drug Administration that delivers a dose of epinephrine intended for use to treat anaphylaxis, including:

(A) an epinephrine auto-injector; and

(B) an epinephrine nasal spray.

1 (3-b) "Medication for respiratory distress" means
2 albuterol, levalbuterol, or another medication designated by the
3 executive commissioner of the Health and Human Services Commission
4 for treatment of respiratory distress under Section 38.208(c).

5 SECTION 4. Section 38.202(a), Education Code, is amended to
6 read as follows:

7 (a) The commissioner of state health services shall
8 establish an advisory committee to examine and review the
9 administration, on a campus of a school district, an
10 open-enrollment charter school, a private school, or an institution
11 of higher education, of:

12 (1) epinephrine delivery devices [~~auto-injectors~~] to
13 a person experiencing an anaphylactic reaction; and

14 (2) medication for respiratory distress to a person
15 experiencing respiratory distress.

16 SECTION 5. Section 38.207, Education Code, is amended to
17 read as follows:

18 Sec. 38.207. ADVISORY COMMITTEE: DUTIES. The advisory
19 committee shall advise the commissioner of state health services
20 on:

21 (1) the storage and maintenance of epinephrine
22 delivery devices [~~auto-injectors~~] and medication for respiratory
23 distress on school campuses and campuses of institutions of higher
24 education;

25 (2) the training of school personnel and school
26 volunteers, and of personnel and volunteers at institutions of
27 higher education, in the administration of an epinephrine delivery

1 device [~~auto-injector~~];

2 (3) the training of school personnel and school
3 volunteers, and of personnel and volunteers at institutions of
4 higher education, in the administration of a medication for
5 respiratory distress; and

6 (4) a plan for:

7 (A) one or more school personnel members or
8 school volunteers trained in the administration of an epinephrine
9 delivery device [~~auto-injector~~] to be on each school campus;

10 (B) one or more school personnel members or
11 school volunteers trained in the administration of medication for
12 respiratory distress to be on each school campus;

13 (C) one or more personnel members or volunteers
14 of an institution of higher education trained in the administration
15 of an epinephrine delivery device [~~auto-injector~~] to be on each
16 campus of an institution of higher education; and

17 (D) one or more personnel members or volunteers
18 of an institution of higher education trained in the administration
19 of medication for respiratory distress to be on each campus of an
20 institution of higher education.

21 SECTION 6. The heading to Section 38.208, Education Code,
22 is amended to read as follows:

23 Sec. 38.208. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE
24 DELIVERY DEVICES [~~AUTO-INJECTORS~~] AND MEDICATION FOR RESPIRATORY
25 DISTRESS.

26 SECTION 7. Sections 38.208(a), (b), (c), (d), (d-2), and
27 (e), Education Code, are amended to read as follows:

1 (a) Each school district, open-enrollment charter school,
2 and private school may adopt and implement a policy regarding the
3 maintenance, administration, and disposal of epinephrine delivery
4 devices [~~auto-injectors~~] at each campus in the district or school.

5 (b) If a policy is adopted under Subsection (a), the policy:

6 (1) must provide that school personnel and school
7 volunteers who are authorized and trained may administer an
8 epinephrine delivery device [~~auto-injector~~] to a person who is
9 reasonably believed to be experiencing anaphylaxis on a school
10 campus; and

11 (2) may provide that school personnel and school
12 volunteers who are authorized and trained may administer an
13 epinephrine delivery device [~~auto-injector~~] to a person who is
14 reasonably believed to be experiencing anaphylaxis at an off-campus
15 school event or while in transit to or from a school event.

16 (c) The executive commissioner of the Health and Human
17 Services Commission, in consultation with the commissioner of
18 education, and with advice from the advisory committee as
19 appropriate, shall adopt rules regarding the maintenance,
20 administration, and disposal of an epinephrine delivery device
21 [~~auto-injector~~] at a school campus subject to a policy adopted
22 under Subsection (a) and the maintenance, administration, and
23 disposal of medication for respiratory distress at a school campus
24 subject to a policy adopted under Subsection (a-1). The rules must
25 establish:

26 (1) the number of epinephrine delivery devices
27 [~~auto-injectors~~] available at each campus;

1 (2) the amount of medication for respiratory distress
2 available at each campus;

3 (3) the process for each school district,
4 open-enrollment charter school, and private school to check the
5 inventory of epinephrine delivery devices [~~auto-injectors~~] and
6 medication for respiratory distress at regular intervals for
7 expiration and replacement;

8 (4) the amount of training required for school
9 personnel and school volunteers to administer:

10 (A) an epinephrine delivery device
11 [~~auto-injector~~]; or

12 (B) medication for respiratory distress; and

13 (5) the types of medication that may be administered
14 under Subsection (b-1) to persons experiencing respiratory
15 distress, based on a review of the best available medical evidence.

16 (d) Each school district, open-enrollment charter school,
17 and private school that adopts a policy under Subsection (a) must
18 require that each campus have one or more school personnel members
19 or school volunteers authorized and trained to administer an
20 epinephrine delivery device [~~auto-injector~~] present during all
21 hours the campus is open.

22 (d-2) A school personnel member or school volunteer may not
23 be subject to any penalty or disciplinary action for refusing to
24 administer or receive training to administer epinephrine delivery
25 devices [~~auto-injectors~~] or medication for respiratory distress,
26 as applicable, in accordance with a policy adopted under Subsection
27 (a) or (a-1).

1 (e) The supply of epinephrine delivery devices
2 [~~auto-injectors~~] at each campus must be stored in a secure location
3 and be easily accessible to school personnel and school volunteers
4 authorized and trained to administer an epinephrine delivery device
5 [~~auto-injector~~].

6 SECTION 8. Section 38.209, Education Code, is amended to
7 read as follows:

8 Sec. 38.209. REPORT ON ADMINISTERING EPINEPHRINE DELIVERY
9 DEVICE [~~AUTO-INJECTOR~~]. (a) Not later than the 10th business day
10 after the date a school personnel member or school volunteer
11 administers an epinephrine delivery device [~~auto-injector~~] in
12 accordance with a policy adopted under Section 38.208(a), the
13 school shall report the information required under Subsection (b)
14 to:

15 (1) the school district, the charter holder if the
16 school is an open-enrollment charter school, or the governing body
17 of the school if the school is a private school;

18 (2) the physician or other person who prescribed the
19 epinephrine delivery device [~~auto-injector~~]; and

20 (3) the commissioner of state health services.

21 (b) The report required under this section must include the
22 following information:

23 (1) the age of the person who received the
24 administration of the epinephrine delivery device [~~auto-injector~~];

25 (2) whether the person who received the administration
26 of the epinephrine delivery device [~~auto-injector~~] was a student, a
27 school personnel member or school volunteer, or a visitor;

1 (3) the physical location where the epinephrine
2 delivery device [~~auto-injector~~] was administered;

3 (4) the number of doses of epinephrine delivery device
4 [~~auto-injector~~] administered;

5 (5) the title of the person who administered the
6 epinephrine delivery device [~~auto-injector~~]; and

7 (6) any other information required by the commissioner
8 of education.

9 SECTION 9. Section 38.210(a), Education Code, is amended to
10 read as follows:

11 (a) Each school district, open-enrollment charter school,
12 and private school that adopts a policy under Section 38.208(a) is
13 responsible for training school personnel and school volunteers in
14 the administration of an epinephrine delivery device
15 [~~auto-injector~~]. The training must include information on:

16 (1) recognizing the signs and symptoms of anaphylaxis;

17 (2) administering an epinephrine delivery device
18 [~~auto-injector~~];

19 (3) implementing emergency procedures, if necessary,
20 after administering an epinephrine delivery device
21 [~~auto-injector~~]; and

22 (4) properly disposing of used or expired epinephrine
23 delivery devices [~~auto-injectors~~].

24 SECTION 10. The heading to Section 38.211, Education Code,
25 is amended to read as follows:

26 Sec. 38.211. PRESCRIPTION OF EPINEPHRINE DELIVERY DEVICES
27 [~~AUTO-INJECTORS~~] AND MEDICATION FOR RESPIRATORY DISTRESS.

1 SECTION 11. Sections 38.211(a), (b), (c), (e), and (f),
2 Education Code, are amended to read as follows:

3 (a) A physician or person who has been delegated
4 prescriptive authority under Chapter 157, Occupations Code, may
5 prescribe epinephrine delivery devices [~~auto-injectors~~] or
6 medication for respiratory distress in the name of a school
7 district, open-enrollment charter school, or private school.

8 (b) A physician or other person who prescribes epinephrine
9 delivery devices [~~auto-injectors~~] or medication for respiratory
10 distress under Subsection (a) shall provide the school district,
11 open-enrollment charter school, or private school with a standing
12 order for the administration of, as applicable:

13 (1) an epinephrine delivery device [~~auto-injector~~] to
14 a person reasonably believed to be experiencing anaphylaxis; or

15 (2) medication for respiratory distress to a person
16 reasonably believed to be experiencing respiratory distress.

17 (c) The standing order under Subsection (b) is not required
18 to be patient-specific, and the epinephrine delivery device
19 [~~auto-injector~~] or medication for respiratory distress may be
20 administered to a person without a previously established
21 physician-patient relationship.

22 (e) An order issued under this section must contain:

23 (1) the name and signature of the prescribing
24 physician or other person;

25 (2) the name of the school district, open-enrollment
26 charter school, or private school to which the order is issued;

27 (3) as applicable, the quantity and types of

1 epinephrine delivery devices [~~auto-injectors~~] or the quantity and
2 types of medications for respiratory distress to be obtained and
3 maintained under the order; and

4 (4) the date of issue.

5 (f) A pharmacist may dispense an epinephrine delivery
6 device [~~auto-injector~~] or medication for respiratory distress to a
7 school district, open-enrollment charter school, or private school
8 without requiring the name or any other identifying information
9 relating to the user.

10 SECTION 12. Section 38.215(a), Education Code, is amended
11 to read as follows:

12 (a) A person who in good faith takes, or fails to take, any
13 action under this subchapter is immune from civil or criminal
14 liability or disciplinary action resulting from that action or
15 failure to act, including:

16 (1) issuing an order for epinephrine delivery devices
17 [~~auto-injectors~~] or medication for respiratory distress;

18 (2) supervising or delegating the administration of an
19 epinephrine delivery device [~~auto-injector~~] or medication for
20 respiratory distress;

21 (3) possessing, maintaining, storing, or disposing of
22 an epinephrine delivery device [~~auto-injector~~] or medication for
23 respiratory distress;

24 (4) prescribing an epinephrine delivery device
25 [~~auto-injector~~] or medication for respiratory distress;

26 (5) dispensing:

27 (A) an epinephrine delivery device

1 ~~[auto-injector]~~; or

2 (B) medication for respiratory distress;

3 (6) administering, or assisting in administering, an
4 epinephrine delivery device ~~[auto-injector]~~ or medication for
5 respiratory distress;

6 (7) providing, or assisting in providing, training,
7 consultation, or advice in the development, adoption, or
8 implementation of policies, guidelines, rules, or plans; or

9 (8) undertaking any other act permitted or required
10 under this subchapter.

11 SECTION 13. The heading to Subchapter [Y-1](#), Chapter [51](#),
12 Education Code, is amended to read as follows:

13 SUBCHAPTER Y-1. MAINTENANCE, STORAGE, ADMINISTRATION, AND
14 DISPOSAL OF EPINEPHRINE DELIVERY DEVICES ~~[AUTO-INJECTORS]~~

15 SECTION 14. Section [51.881](#), Education Code, is amended by
16 adding Subdivision (4-a) to read as follows:

17 (4-a) "Epinephrine delivery device" means a medical
18 delivery device approved by the United States Food and Drug
19 Administration that delivers a dose of epinephrine intended for use
20 to treat anaphylaxis, including:

21 (A) an epinephrine auto-injector; and

22 (B) an epinephrine nasal spray.

23 SECTION 15. The heading to Section [51.882](#), Education Code,
24 is amended to read as follows:

25 Sec. 51.882. MAINTENANCE, STORAGE, ADMINISTRATION, AND
26 DISPOSAL OF EPINEPHRINE DELIVERY DEVICES ~~[AUTO-INJECTORS]~~.

27 SECTION 16. Sections [51.882](#)(a), (b), (c), (d), and (e),

1 Education Code, are amended to read as follows:

2 (a) Each institution of higher education may adopt and
3 implement a policy regarding the maintenance, storage,
4 administration, and disposal of epinephrine delivery devices
5 [~~auto-injectors~~] on the institution's campus.

6 (b) If a policy is adopted under Subsection (a), the policy:

7 (1) must provide that personnel or volunteers who are
8 authorized and trained may administer an epinephrine delivery
9 device [~~auto-injector~~] to a person who is reasonably believed to be
10 experiencing anaphylaxis on the institution's campus; and

11 (2) may provide that personnel or volunteers who are
12 authorized and trained may administer an epinephrine delivery
13 device [~~auto-injector~~] to a person who is reasonably believed to be
14 experiencing anaphylaxis at an off-campus event or while in transit
15 to or from an off-campus event sponsored by the institution of
16 higher education.

17 (c) The executive commissioner of the Health and Human
18 Services Commission [~~state health services~~] with advice from the
19 advisory committee shall adopt rules regarding the maintenance,
20 storage, administration, and disposal of an epinephrine delivery
21 device [~~auto-injector~~] on the campus of an institution of higher
22 education subject to a policy adopted under Subsection (a). The
23 rules must establish:

24 (1) the number of epinephrine delivery devices
25 [~~auto-injectors~~] available at each campus;

26 (2) the process for each institution of higher
27 education to check the inventory of epinephrine delivery devices

1 ~~[auto-injectors]~~ at regular intervals for expiration and
2 replacement; and

3 (3) the amount of training required for personnel or
4 volunteers to administer an epinephrine delivery device
5 ~~[auto-injector]~~.

6 (d) Each institution of higher education that adopts a
7 policy under Subsection (a):

8 (1) must require that the institution's campuses have
9 personnel or volunteers authorized and trained to administer an
10 epinephrine delivery device ~~[auto-injector]~~ present; and

11 (2) shall include the policy in the institution's
12 student handbook or similar publication and publish the policy on
13 the institution's Internet website.

14 (e) The supply of epinephrine delivery devices
15 ~~[auto-injectors]~~ at a campus must be stored in a secure location and
16 be easily accessible to personnel or volunteers authorized and
17 trained to administer an epinephrine delivery device
18 ~~[auto-injector]~~.

19 SECTION 17. Section 51.883, Education Code, is amended to
20 read as follows:

21 Sec. 51.883. REPORT ON ADMINISTERING EPINEPHRINE DELIVERY
22 DEVICE ~~[AUTO-INJECTOR]~~. (a) Not later than the 10th business day
23 after the date a personnel member or volunteer administers an
24 epinephrine delivery device ~~[auto-injector]~~ in accordance with a
25 policy adopted under Section 51.882(a), the institution of higher
26 education shall report the information required under Subsection
27 (b) to:

1 (1) the physician who prescribed the epinephrine
2 delivery device [~~auto-injector~~]; and

3 (2) the commissioner of state health services.

4 (b) The report required under this section must include the
5 following information:

6 (1) the age of the person who received the
7 administration of the epinephrine delivery device [~~auto-injector~~];

8 (2) whether the person who received the administration
9 of the epinephrine delivery device [~~auto-injector~~] was a student, a
10 personnel member, or a visitor;

11 (3) the physical location where the epinephrine
12 delivery device [~~auto-injector~~] was administered;

13 (4) the number of doses of epinephrine delivery device
14 [~~auto-injector~~] administered;

15 (5) the title of the person who administered the
16 epinephrine delivery device [~~auto-injector~~]; and

17 (6) any other information required by the commissioner
18 of state health services.

19 SECTION 18. Sections 51.884(a) and (b), Education Code, are
20 amended to read as follows:

21 (a) Each institution of higher education that adopts a
22 policy under Section 51.882(a) is responsible for training
23 personnel or volunteers in the administration of an epinephrine
24 delivery device [~~auto-injector~~].

25 (b) Training required under this section must:

26 (1) include information on:

27 (A) recognizing the signs and symptoms of

1 anaphylaxis;

2 (B) administering an epinephrine delivery device
3 [~~auto-injector~~];

4 (C) implementing emergency procedures, if
5 necessary, after administering an epinephrine delivery device
6 [~~auto-injector~~]; and

7 (D) properly disposing of used or expired
8 epinephrine delivery devices [~~auto-injectors~~]; and

9 (2) be provided in a formal training session or
10 through online education and be completed annually.

11 SECTION 19. The heading to Section 51.885, Education Code,
12 is amended to read as follows:

13 Sec. 51.885. PRESCRIPTION OF EPINEPHRINE DELIVERY DEVICES
14 [~~AUTO-INJECTORS~~].

15 SECTION 20. Sections 51.885(a), (b), (d), and (e),
16 Education Code, are amended to read as follows:

17 (a) A physician may prescribe epinephrine delivery devices
18 [~~auto-injectors~~] in the name of an institution of higher education
19 that adopts a policy under Section 51.882(a). The physician shall
20 provide the institution with a standing order for the
21 administration of an epinephrine delivery device [~~auto-injector~~]
22 to a person reasonably believed to be experiencing anaphylaxis.

23 (b) The standing order under Subsection (a) is not required
24 to be patient-specific, and the epinephrine delivery device
25 [~~auto-injector~~] may be administered to a person without an
26 established physician-patient relationship.

27 (d) An order issued under this section must contain:

1 (1) the name and signature of the prescribing
2 physician;

3 (2) the name of the institution of higher education to
4 which the order is issued;

5 (3) the quantity of epinephrine delivery devices
6 [~~auto-injectors~~] to be obtained and maintained under the order; and

7 (4) the date of issue.

8 (e) A pharmacist may dispense an epinephrine delivery
9 device [~~auto-injector~~] to an institution of higher education
10 without requiring the name or any other identifying information
11 relating to the user.

12 SECTION 21. Section 51.888(a), Education Code, is amended
13 to read as follows:

14 (a) A person who in good faith takes, or fails to take, any
15 action under this subchapter is immune from civil or criminal
16 liability or disciplinary action resulting from that act or failure
17 to act, including:

18 (1) issuing an order for epinephrine delivery devices
19 [~~auto-injectors~~];

20 (2) supervising or delegating the administration of an
21 epinephrine delivery device [~~auto-injector~~];

22 (3) possessing an epinephrine delivery device
23 [~~auto-injector~~];

24 (4) maintaining an epinephrine delivery device
25 [~~auto-injector~~];

26 (5) storing an epinephrine delivery device
27 [~~auto-injector~~];

1 (6) disposing of an epinephrine delivery device
2 [~~auto-injector~~];

3 (7) prescribing an epinephrine delivery device
4 [~~auto-injector~~];

5 (8) dispensing an epinephrine delivery device
6 [~~auto-injector~~];

7 (9) administering, or assisting in administering, an
8 epinephrine delivery device [~~auto-injector~~];

9 (10) providing, or assisting in providing, training,
10 consultation, or advice in the development, adoption, or
11 implementation of policies, guidelines, rules, or plans; or

12 (11) undertaking any other act permitted or required
13 under this subchapter.

14 SECTION 22. Section 773.003, Health and Safety Code, is
15 amended by amending Subdivision (15-a) and adding Subdivisions
16 (15-b) and (15-c) to read as follows:

17 (15-a) "Epinephrine auto-injector" means a disposable
18 medical drug delivery device that contains a premeasured single
19 dose of epinephrine intended for use to treat anaphylaxis.

20 (15-b) "Epinephrine delivery device" means a medical
21 delivery device approved by the United States Food and Drug
22 Administration that delivers a dose of epinephrine intended for use
23 to treat anaphylaxis, including:

24 (A) an epinephrine auto-injector; and

25 (B) an epinephrine nasal spray.

26 (15-c) "Executive commissioner" means the executive
27 commissioner of the Health and Human Services Commission.

1 SECTION 23. Sections 773.014(a), (b), (c), (c-1), (d), (e),
2 (f), and (g), Health and Safety Code, are amended to read as
3 follows:

4 (a) An emergency medical services provider and a first
5 responder organization may acquire and possess epinephrine
6 delivery [~~auto-injector~~] devices in accordance with this section.
7 Emergency medical services personnel may carry and administer
8 epinephrine delivery [~~auto-injector~~] devices in accordance with
9 this section.

10 (b) The executive commissioner shall adopt rules designed
11 to protect the public health and safety to implement this section.
12 The rules must provide that emergency medical services personnel
13 may administer an epinephrine delivery [~~auto-injector~~] device to
14 another only if the person has successfully completed a training
15 course, approved by the department, in the use of the device that is
16 consistent with the national standard training curriculum for
17 emergency medical technicians.

18 (c) An emergency medical services provider or first
19 responder organization may acquire, possess, maintain, and dispose
20 of epinephrine delivery [~~auto-injector~~] devices, and emergency
21 medical services personnel may carry, maintain, administer, and
22 dispose of epinephrine delivery [~~auto-injector~~] devices, only in
23 accordance with:

24 (1) rules adopted under this section; and
25 (2) a delegated practice agreement that provides for
26 medical supervision by a licensed physician who either:

27 (A) acts as a medical director for an emergency

1 medical services system or a licensed hospital; or

2 (B) has knowledge and experience in the delivery
3 of emergency care.

4 (c-1) A licensed physician acting as a medical director for
5 an emergency medical services system may restrict the use and
6 administration of epinephrine delivery [~~auto-injector~~] devices to
7 certain emergency medical services personnel of the system through:

8 (1) the delegated practice agreement; or

9 (2) the adoption of policies governing the use of the
10 epinephrine delivery devices by personnel within the system.

11 (d) Emergency medical services personnel who administer
12 epinephrine delivery [~~auto-injector~~] devices to others shall
13 immediately report the use to the physician supervising the
14 activities of the emergency medical services personnel.

15 (e) The administration of an epinephrine delivery
16 [~~auto-injector~~] device to another under this section is considered
17 to be the administration of emergency care for the purposes of any
18 statute relating to liability for the provision of emergency care.
19 The administration of an epinephrine delivery [~~auto-injector~~]
20 device to another in accordance with the requirements of this
21 section does not constitute the unlawful practice of any health
22 care profession.

23 (f) A person otherwise authorized to sell or provide an
24 epinephrine delivery [~~auto-injector~~] device to another may sell or
25 provide the epinephrine delivery devices to an emergency medical
26 services provider or a first responder organization authorized to
27 acquire and possess the epinephrine delivery devices under this

1 section.

2 (g) This section does not prevent emergency medical
3 services personnel who are also licensed health care professionals
4 under another health care licensing law and who are authorized to
5 acquire, possess, and administer an epinephrine delivery
6 [~~auto-injector~~] device under the other health care licensing law
7 from acting under the other law.

8 SECTION 24. Sections 773.0145(a), (c), (d), (e), (f), (g),
9 (h), (i), (k), (l), (m), (o), (p), (q), and (r), Health and Safety
10 Code, are amended to read as follows:

11 (a) This section applies to:

12 (1) an amusement park, as defined by Section 46.03,
13 Penal Code;

14 (2) a child-care facility, as defined by Section
15 42.002, Human Resources Code;

16 (3) a day camp or youth camp, as defined by Section
17 141.002;

18 (4) a private or independent institution of higher
19 education, as defined by Section 61.003, Education Code;

20 (5) a restaurant, as defined by Section 17.821,
21 Business & Commerce Code;

22 (6) a sports venue, as defined by Section 504.151,
23 Local Government Code;

24 (7) a youth center, as defined by Section 481.134; or

25 (8) subject to Subsection (b), any other entity that
26 the executive commissioner by rule designates as an entity that
27 would benefit from the possession and administration of epinephrine

1 delivery devices [~~auto-injectors~~].

2 (c) An entity described by Subsection (a) may adopt a policy
3 regarding the maintenance, administration, and disposal of
4 epinephrine delivery devices [~~auto-injectors~~].

5 (d) A policy adopted under Subsection (c) must provide that
6 only an entity employee or volunteer who is authorized and trained
7 may administer an epinephrine delivery device [~~auto-injector~~] to a
8 person who is reasonably believed to be experiencing anaphylaxis on
9 the premises of the entity.

10 (e) The executive commissioner shall adopt rules regarding
11 the maintenance, administration, and disposal of an epinephrine
12 delivery device [~~auto-injector~~] by an entity subject to a policy
13 adopted under Subsection (c). The rules must establish:

14 (1) the number of epinephrine delivery devices
15 [~~auto-injectors~~] and the dosages of the epinephrine delivery
16 devices [~~auto-injectors~~] available at each entity;

17 (2) the process for each entity to verify the
18 inventory of epinephrine delivery devices [~~auto-injectors~~] at
19 regular intervals for expiration and replacement; and

20 (3) the amount of training required for an entity
21 employee or volunteer to administer an epinephrine delivery device
22 [~~auto-injector~~].

23 (f) Each entity that adopts a policy under Subsection (c)
24 must have at least one entity employee or volunteer authorized and
25 trained to administer an epinephrine delivery device
26 [~~auto-injector~~] present during all hours the entity is open to the
27 public or to the population that the entity serves, as applicable.

1 (g) The supply of epinephrine delivery devices
2 [~~auto-injectors~~] at each entity must:

3 (1) be stored in accordance with the manufacturer's
4 instructions in a secure location; and

5 (2) be easily accessible to an entity employee or
6 volunteer authorized and trained to administer an epinephrine
7 delivery device [~~auto-injector~~].

8 (h) Each entity that adopts a policy under Subsection (c) is
9 responsible for training the entity's employees and volunteers in
10 the administration of an epinephrine delivery device
11 [~~auto-injector~~].

12 (i) Employee and volunteer training under this section
13 must:

14 (1) include information on:

15 (A) the signs and symptoms of anaphylaxis;

16 (B) the recommended dosages for an adult and a
17 child;

18 (C) the administration of an epinephrine
19 delivery device [~~auto-injector~~];

20 (D) the implementation of emergency procedures,
21 if necessary, after administering an epinephrine delivery device
22 [~~auto-injector~~]; and

23 (E) the proper disposal of used or expired
24 epinephrine delivery devices [~~auto-injectors~~]; and

25 (2) be completed annually in a formal training session
26 or through online education.

27 (k) A physician or person who has been delegated

1 prescriptive authority under Chapter 157, Occupations Code, may
2 prescribe epinephrine delivery devices [~~auto-injectors~~] in the
3 name of an entity.

4 (l) A physician or other person who prescribes epinephrine
5 delivery devices [~~auto-injectors~~] under Subsection (k) shall
6 provide the entity with a standing order for the administration of
7 an epinephrine delivery device [~~auto-injector~~] to a person
8 reasonably believed to be experiencing anaphylaxis.

9 (m) The standing order under Subsection (l) is not required
10 to be patient-specific, and the epinephrine delivery device
11 [~~auto-injector~~] may be administered to a person without a
12 previously established physician-patient relationship.

13 (o) For purposes of Subsection (n)(2), a person who has been
14 delegated prescriptive authority under Chapter 157, Occupations
15 Code, is not engaged in the unauthorized practice of telemedicine
16 or acting outside the person's scope of practice by consulting a
17 physician as provided by that subdivision when prescribing an
18 epinephrine delivery device [~~auto-injector~~] in accordance with
19 this section.

20 (p) An order issued under this section must contain:

- 21 (1) the name and signature of the prescriber;
- 22 (2) the name of the entity to which the order is
23 issued;
- 24 (3) the quantity of epinephrine delivery devices
25 [~~auto-injectors~~] to be obtained and maintained under the order; and
- 26 (4) the date of issue.

27 (q) A pharmacist may dispense an epinephrine delivery

1 device [~~auto-injector~~] to an entity without requiring the name or
2 any other identifying information relating to the user.

3 (r) A person who in good faith takes, or fails to take, any
4 action under this section is immune from civil or criminal
5 liability or disciplinary action resulting from that action or
6 failure to act, including:

7 (1) issuing an order for epinephrine delivery devices
8 [~~auto-injectors~~];

9 (2) supervising or delegating the administration of an
10 epinephrine delivery device [~~auto-injector~~];

11 (3) possessing, maintaining, storing, or disposing of
12 an epinephrine delivery device [~~auto-injector~~];

13 (4) prescribing an epinephrine delivery device
14 [~~auto-injector~~];

15 (5) dispensing an epinephrine delivery device
16 [~~auto-injector~~];

17 (6) administering, or assisting in administering, an
18 epinephrine delivery device [~~auto-injector~~];

19 (7) providing, or assisting in providing, training,
20 consultation, or advice in the development, adoption, or
21 implementation of policies, guidelines, rules, or plans; or

22 (8) undertaking any other act permitted or required
23 under this section.

24 SECTION 25. Section 773.050(g), Health and Safety Code, is
25 amended to read as follows:

26 (g) Rules adopting minimum standards under this section
27 shall require:

1 (1) an emergency medical services vehicle to be
2 equipped with an epinephrine delivery [~~auto-injector~~] device [~~or~~
3 ~~similar device~~] to treat anaphylaxis; and

4 (2) emergency medical services personnel to complete
5 continuing education training in the administration of anaphylaxis
6 treatment.

7 SECTION 26. The heading to Section 42.067, Human Resources
8 Code, is amended to read as follows:

9 Sec. 42.067. EPINEPHRINE DELIVERY DEVICES
10 [~~AUTO-INJECTORS~~]; IMMUNITY FROM LIABILITY.

11 SECTION 27. Section 42.067(a), Human Resources Code, is
12 amended by adding Subdivision (2-a) to read as follows:

13 (2-a) "Epinephrine delivery device" means a medical
14 delivery device approved by the United States Food and Drug
15 Administration that delivers a dose of epinephrine intended for use
16 to treat anaphylaxis, including:

17 (A) an epinephrine auto-injector; and

18 (B) an epinephrine nasal spray.

19 SECTION 28. Sections 42.067(b), (c), (d), (f), (g), (h),
20 (i), (k), (l), (n), and (q), Human Resources Code, are amended to
21 read as follows:

22 (b) A physician, or a person who has been delegated
23 prescriptive authority under Chapter 157, Occupations Code, may
24 prescribe epinephrine delivery devices [~~auto-injectors~~] in the
25 name of a day-care center.

26 (c) A physician or other person who prescribes epinephrine
27 delivery devices [~~auto-injectors~~] under Subsection (b) shall

1 provide the day-care center with a standing order for the
2 administration of an epinephrine delivery device [~~auto-injector~~]
3 to a person reasonably believed to be experiencing anaphylaxis.

4 (d) A standing order under Subsection (c) is not required to
5 be patient-specific. An epinephrine delivery device
6 [~~auto-injector~~] may be administered under this section to a person
7 without a previously established physician-patient relationship.

8 (f) An order issued under this section must contain:

9 (1) the name and signature of the prescribing
10 physician or other person;

11 (2) the name of the day-care center to which the order
12 is issued;

13 (3) the quantity of epinephrine delivery devices
14 [~~auto-injectors~~] to be obtained and maintained under the order; and

15 (4) the date the order was issued.

16 (g) A pharmacist may dispense an epinephrine delivery
17 device [~~auto-injector~~] to a day-care center without requiring the
18 name of or any other identifying information relating to the user.

19 (h) A day-care center shall store an epinephrine delivery
20 device [~~auto-injector~~] in a secure location that is easily
21 accessible to employees or volunteers of the day-care center
22 authorized and trained to administer an epinephrine delivery device
23 [~~auto-injector~~].

24 (i) Each day-care center is responsible for training
25 employees in the administration of an epinephrine delivery device
26 [~~auto-injector~~]. The training must:

27 (1) include information on:

1 (A) recognizing the signs and symptoms of
2 anaphylaxis;

3 (B) administering an epinephrine delivery device
4 [~~auto-injector~~];

5 (C) the recommended dosages for adults and
6 children by age and weight, if applicable, and the dosages
7 available at the center;

8 (D) implementing emergency procedures, if
9 necessary, after administering an epinephrine delivery device
10 [~~auto-injector~~]; and

11 (E) the proper disposal of used or expired
12 epinephrine delivery devices [~~auto-injectors~~]; and

13 (2) be completed annually in a formal training session
14 or through online education.

15 (k) Not later than the 10th business day after the date a
16 day-care center employee administers an epinephrine delivery
17 device [~~auto-injector~~] in accordance with this section, the
18 day-care center shall report the following information to the
19 persons listed in Subsection (l):

20 (1) the age of the person who received the
21 administration of the epinephrine delivery device [~~auto-injector~~];

22 (2) whether the person who received the administration
23 of the epinephrine delivery device [~~auto-injector~~] was:

24 (A) a child enrolled in the day-care center;

25 (B) a day-care center employee or volunteer; or

26 (C) a visitor to the day-care center;

27 (3) the physical location where the epinephrine

1 delivery device [~~auto-injector~~] was administered;

2 (4) the number of doses of epinephrine delivery device
3 [~~auto-injector~~] administered;

4 (5) the title of the employee who administered the
5 epinephrine delivery device [~~auto-injector~~]; and

6 (6) any other information required by the executive
7 commissioner.

8 (1) The information required by Subsection (k) shall be
9 reported to:

10 (1) the owner of the day-care center;

11 (2) the physician or other person who prescribed the
12 epinephrine delivery device [~~auto-injector~~];

13 (3) the commission; and

14 (4) the Department of State Health Services.

15 (n) A person who in good faith takes, or fails to take,
16 action relating to the prescription of an epinephrine delivery
17 device [~~auto-injector~~] to a day-care center or the administration
18 of an epinephrine delivery device [~~auto-injector~~] in a day-care
19 center is immune from civil or criminal liability or disciplinary
20 action resulting from that action or failure to act, including:

21 (1) issuing an order for epinephrine delivery devices
22 [~~auto-injectors~~];

23 (2) supervising or delegating the administration of an
24 epinephrine delivery device [~~auto-injector~~];

25 (3) possessing, maintaining, storing, or disposing of
26 an epinephrine delivery device [~~auto-injector~~];

27 (4) prescribing an epinephrine delivery device

1 ~~[auto-injector];~~

2 (5) dispensing an epinephrine delivery device
3 ~~[auto-injector];~~

4 (6) administering, or assisting in administering, an
5 epinephrine delivery device ~~[auto-injector];~~

6 (7) providing, or assisting in providing, training,
7 consultation, or advice in the development, adoption, or
8 implementation of policies, guidelines, rules, or plans; or

9 (8) undertaking any other act permitted or required
10 under this section.

11 (q) If a day-care center obtains epinephrine delivery
12 devices ~~[auto-injectors]~~ for use as authorized by this section, the
13 day-care center shall notify each parent of a child enrolled in the
14 center of the center's policy and procedures relating to the
15 administration of the epinephrine delivery devices
16 ~~[auto-injectors]~~.

17 SECTION 29. Section 562.057, Occupations Code, is amended
18 to read as follows:

19 Sec. 562.057. ADMINISTRATION OF EPINEPHRINE. (a) A
20 pharmacist may administer epinephrine through an epinephrine
21 delivery ~~[auto-injector]~~ device in accordance with this section.

22 (b) The board shall adopt rules designed to protect the
23 public health and safety to implement this section. The rules must
24 provide that a pharmacist may administer epinephrine through an
25 epinephrine delivery ~~[auto-injector]~~ device to a patient in an
26 emergency situation.

27 (c) A pharmacist may maintain, administer, and dispose of

1 epinephrine delivery [~~auto-injector~~] devices only in accordance
2 with rules adopted by the board under this section.

3 (d) A pharmacist who administers epinephrine through an
4 epinephrine delivery [~~auto-injector~~] device to a patient shall
5 report the use to the patient's primary care physician, as
6 identified by the patient, if the patient has a primary care
7 physician.

8 (e) A pharmacist who in good faith administers epinephrine
9 through an epinephrine delivery [~~auto-injector~~] device in
10 accordance with the requirements of this section is not liable for
11 civil damages for an act performed in the administration unless the
12 act is wilfully or wantonly negligent. A pharmacist may not receive
13 remuneration for the administration of epinephrine through an
14 epinephrine delivery [~~auto-injector~~] device but may seek
15 reimbursement for the cost of the epinephrine delivery
16 [~~auto-injector~~] device.

17 (f) The administration of epinephrine through an
18 epinephrine delivery [~~auto-injector~~] device to a patient in
19 accordance with the requirements of this section does not
20 constitute the unlawful practice of any health care profession.

21 (g) In this section:

22 (1) "Epinephrine auto-injector" means a disposable
23 medical drug delivery device that contains a premeasured single
24 dose of epinephrine intended for use to treat anaphylaxis.

25 (2) "Epinephrine delivery device" means a medical
26 delivery device approved by the United States Food and Drug
27 Administration that delivers a dose of epinephrine intended for use

1 to treat anaphylaxis, including:

2 (A) an epinephrine auto-injector; and

3 (B) an epinephrine nasal spray.

4 SECTION 30. Section 1701.701, Occupations Code, is amended
5 by adding Subdivision (2-a) to read as follows:

6 (2-a) "Epinephrine delivery device" means a medical
7 delivery device approved by the United States Food and Drug
8 Administration that delivers a dose of epinephrine intended for use
9 to treat anaphylaxis, including:

10 (A) an epinephrine auto-injector; and

11 (B) an epinephrine nasal spray.

12 SECTION 31. Section 1701.702, Occupations Code, is amended
13 to read as follows:

14 Sec. 1701.702. ADMINISTRATION OF EPINEPHRINE. (a) A law
15 enforcement agency may acquire and possess epinephrine delivery
16 devices [~~auto-injectors~~] and a peace officer may possess and
17 administer an epinephrine delivery device [~~auto-injector~~] in
18 accordance with this subchapter.

19 (b) A peace officer may possess and administer an
20 epinephrine delivery device [~~auto-injector~~] only if the peace
21 officer has successfully completed training in the use of the
22 device in a course approved by the commission.

23 (c) The commission, in consultation with the Department of
24 State Health Services, shall approve a training course on the
25 administration of an epinephrine delivery device [~~auto-injector~~].

26 SECTION 32. Sections 1701.703(a), (b), (c), (e), and (f),
27 Occupations Code, are amended to read as follows:

1 (a) A physician, or a person who has been delegated
2 prescriptive authority under Chapter 157, Occupations Code, may
3 prescribe epinephrine delivery devices [~~auto-injectors~~] in the
4 name of a law enforcement agency.

5 (b) A physician or other person who prescribes epinephrine
6 delivery devices [~~auto-injectors~~] under Subsection (a) shall
7 provide the law enforcement agency with a standing order for the
8 administration of an epinephrine delivery device [~~auto-injector~~]
9 to a person reasonably believed to be experiencing anaphylaxis.

10 (c) A standing order under Subsection (b) is not required to
11 be patient-specific. An epinephrine delivery device
12 [~~auto-injector~~] may be administered under this subchapter to a
13 person without a previously established physician-patient
14 relationship.

15 (e) An order issued under this section must contain:

16 (1) the name and signature of the prescribing
17 physician or other person;

18 (2) the name of the law enforcement agency to which the
19 order is issued;

20 (3) the quantity of epinephrine delivery devices
21 [~~auto-injectors~~] to be obtained and maintained under the order; and

22 (4) the date the order was issued.

23 (f) A pharmacist may dispense an epinephrine delivery
24 device [~~auto-injector~~] to a law enforcement agency without
25 requiring the name of or any other identifying information relating
26 to the user.

27 SECTION 33. Section 1701.704, Occupations Code, is amended

1 to read as follows:

2 Sec. 1701.704. MAINTENANCE AND ADMINISTRATION OF
3 EPINEPHRINE DELIVERY DEVICES [~~AUTO-INJECTORS~~]. A law enforcement
4 agency that acquires and possesses epinephrine delivery devices
5 [~~auto-injectors~~] under this subchapter shall adopt and implement a
6 policy regarding the maintenance, administration, and disposal of
7 the epinephrine delivery devices [~~auto-injectors~~]. The policy
8 must:

9 (1) establish a process for the agency to check the
10 inventory of epinephrine delivery devices [~~auto-injectors~~] at
11 regular intervals for expiration and replacement; and

12 (2) require that the epinephrine delivery devices
13 [~~auto-injectors~~] be stored in a secure location.

14 SECTION 34. Section 1701.705, Occupations Code, is amended
15 to read as follows:

16 Sec. 1701.705. NOTIFICATION OF ADMINISTRATION OF
17 EPINEPHRINE DELIVERY DEVICE [~~AUTO-INJECTOR~~]. After an officer
18 administers an epinephrine delivery device [~~auto-injector~~] under
19 this subchapter, the law enforcement agency shall notify the
20 physician or other person who prescribed the epinephrine delivery
21 device [~~auto-injector~~] of:

22 (1) the age of the person to whom the epinephrine
23 delivery device [~~auto-injector~~] was administered; and

24 (2) the number of epinephrine delivery device
25 [~~auto-injector~~] doses administered to the person.

26 SECTION 35. Section 1701.707, Occupations Code, is amended
27 to read as follows:

1 Sec. 1701.707. NOT PRACTICE OF HEALTH CARE. The
2 administration by a peace officer of an epinephrine delivery device
3 [~~auto-injector~~] to a person in accordance with the requirements of
4 this subchapter or commission rules does not constitute the
5 unlawful practice of any health care profession.

6 SECTION 36. Section 1701.708(a), Occupations Code, is
7 amended to read as follows:

8 (a) A person who in good faith takes, or fails to take,
9 action relating to the prescription of an epinephrine delivery
10 device [~~auto-injector~~] to a law enforcement agency or the
11 administration of an epinephrine delivery device [~~auto-injector~~]
12 by a peace officer is immune from civil or criminal liability or
13 disciplinary action resulting from that action or failure to act,
14 including:

15 (1) issuing an order for epinephrine delivery devices
16 [~~auto-injectors~~];

17 (2) supervising or delegating the administration of an
18 epinephrine delivery device [~~auto-injector~~];

19 (3) possessing, maintaining, storing, or disposing of
20 an epinephrine delivery device [~~auto-injector~~];

21 (4) prescribing an epinephrine delivery device
22 [~~auto-injector~~];

23 (5) dispensing an epinephrine delivery device
24 [~~auto-injector~~];

25 (6) administering, or assisting in administering, an
26 epinephrine delivery device [~~auto-injector~~];

27 (7) providing, or assisting in providing, training,

1 consultation, or advice in the development, adoption, or
2 implementation of policies, guidelines, rules, or plans; or

3 (8) undertaking any other act permitted or required
4 under this subchapter.

5 SECTION 37. This Act takes effect immediately if it
6 receives a vote of two-thirds of all the members elected to each
7 house, as provided by Section 39, Article III, Texas Constitution.
8 If this Act does not receive the vote necessary for immediate
9 effect, this Act takes effect September 1, 2025.