

By: Howard

H.B. No. 3029

A BILL TO BE ENTITLED

AN ACT

relating to the administration of nonprescription medications to certain public and private school students.

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

SECTION 1. The heading to Section 22.052, Education Code, is amended 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. Section 22.052, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) 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~~[7]~~ 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:

(1) the ~~[school]~~ 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; and

(2) when administering prescription medication, the

1 medication is administered either:

2 (A) from a container that appears to be:

3 (i) the original container; and

4 (ii) properly labeled; or

5 (B) from a properly labeled unit dosage container
6 filled by a registered nurse or another qualified district or
7 school employee, as determined by the [~~district~~] policy adopted
8 under this subsection, from a container described by Paragraph (A).

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

14 (1) the district or school has received a written
15 request to administer the medication from the parent, legal
16 guardian, or other person having legal control of the student;

17 (2) the medication is unexpired and administered from
18 a container that appears to be:

19 (A) the original container; and

20 (B) properly labeled; and

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

23 (b) The board of trustees or other governing body, as
24 applicable, may allow a licensed physician or registered nurse who
25 provides volunteer services to the school district,
26 open-enrollment charter school, or private school and for whom the
27 district or school provides liability insurance to administer to a

1 student:

2 (1) nonprescription medication; or

3 (2) medication currently prescribed for the student by
4 the student's health care provider [~~personal physician~~].

5 SECTION 3. Section 301.002(2), Occupations Code, is amended
6 to read as follows:

7 (2) "Professional nursing" means the performance of an
8 act that requires substantial specialized judgment and skill, the
9 proper performance of which is based on knowledge and application
10 of the principles of biological, physical, and social science as
11 acquired by a completed course in an approved school of
12 professional nursing. The term does not include acts of medical
13 diagnosis or the prescription of therapeutic or corrective
14 measures. Professional nursing involves:

15 (A) the observation, assessment, intervention,
16 evaluation, rehabilitation, care and counsel, or health teachings
17 of a person who is ill, injured, infirm, or experiencing a change in
18 normal health processes;

19 (B) the maintenance of health or prevention of
20 illness;

21 (C) the administration of:

22 (i) a medication or treatment as ordered by
23 a physician, podiatrist, or dentist; or

24 (ii) a nonprescription medication to a
25 student in a public or private school in accordance with Section
26 22.052, Education Code;

27 (D) the supervision or teaching of nursing;

1 (E) the administration, supervision, and
2 evaluation of nursing practices, policies, and procedures;

3 (F) the requesting, receiving, signing for, and
4 distribution of prescription drug samples to patients at practices
5 at which an advanced practice registered nurse is authorized to
6 sign prescription drug orders as provided by Subchapter B, Chapter
7 157;

8 (G) the performance of an act delegated by a
9 physician under Section 157.0512, 157.054, 157.058, or 157.059; and

10 (H) the development of the nursing care plan.

11 SECTION 4. This Act applies beginning with the 2025-2026
12 school year.

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