

By: Frank

H.B. No. 3397

A BILL TO BE ENTITLED

AN ACT

relating to the administration of medication by open-enrollment charter schools, private schools, and school employees.

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

SECTION 1. Section 22.052(a), Education Code, is amended to read as follows:

(a) On the adoption of policies concerning the administration of medication to students by school district employees, the school district, its board of trustees, and its employees are immune from civil liability and administrative disciplinary action for ~~from~~ damages or injuries resulting from the administration of medication to a student if:

(1) the school district 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 medication is administered either:

(A) from a container that appears to be:

(i) the original container; and

(ii) properly labeled; or

(B) from a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container described by Paragraph (A).

1 SECTION 2. Subchapter B, Chapter 22, Education Code, is
2 amended by adding Section 22.0521 to read as follows:

3 Sec. 22.0521. ADMINISTRATION OF MEDICATION BY
4 OPEN-ENROLLMENT CHARTER SCHOOL OR PRIVATE SCHOOL. (a) In this
5 section, "school" means a private school or open-enrollment charter
6 school.

7 (b) On the adoption of policies concerning the
8 administration of medication to students by school employees, the
9 school, its governing board, and its employees are immune from
10 civil liability and administrative disciplinary action for damages
11 or injuries resulting from the administration of medication to a
12 student if:

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

16 (2) when administering prescription medication, the
17 medication is administered either:

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

19 (i) the original container; and

20 (ii) properly labeled; or

21 (B) from a properly labeled unit dosage container
22 filled by a registered nurse or another qualified school employee,
23 as determined by school policy, from a container described by
24 Paragraph (A).

25 (c) The governing board may allow a licensed physician or
26 registered nurse who provides volunteer services to the school and
27 for whom the 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 personal physician.

5 (d) This section may not be construed as granting immunity
6 from civil liability or administrative disciplinary action for
7 injuries resulting from gross negligence.

8 SECTION 3. Section 301.151, Occupations Code, is amended to
9 read as follows:

10 Sec. 301.151. GENERAL RULEMAKING AUTHORITY. The board may
11 adopt and enforce rules consistent with this chapter and necessary
12 to:

13 (1) perform its duties and conduct proceedings before
14 the board;

15 (2) regulate the practice of professional nursing and
16 vocational nursing;

17 (3) establish standards of professional conduct for
18 license holders under this chapter; and

19 (4) determine whether an act constitutes the practice
20 of professional nursing or vocational nursing, except as provided
21 by Sections 22.052(a) and 22.0521(b), Education Code.

22 SECTION 4. This Act takes effect September 1, 2025.