

By: Sparks

S.B. No. 920

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).

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

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

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

(1) the 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 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 school employee, as determined by school policy, from a container described by Paragraph (A).

(c) The governing board may allow a licensed physician or registered nurse who provides volunteer services to the school and 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.