

By: Hinojosa of Hidalgo

S.B. No. 1374

A BILL TO BE ENTITLED

AN ACT

relating to the administration of epinephrine medication by public and private schools.

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 medication [~~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
MEDICATION [~~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 medication" means an epinephrine auto-injector, an epinephrine nasal spray, or other medication designated by the executive commissioner of the Health and Human Services Commission for treatment of anaphylaxis under Section 38.208(c).

(3-b) "Medication for respiratory distress" means

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

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

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

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

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

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

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

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

24 (2) the training of school personnel and school
25 volunteers, and of personnel and volunteers at institutions of
26 higher education, in the administration of [~~an~~] epinephrine
27 medication [~~auto-injector~~];

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

5 (4) a plan for:

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

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

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

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

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

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

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

27 (a) Each school district, open-enrollment charter school,

1 and private school may adopt and implement a policy regarding the
2 maintenance, administration, and disposal of epinephrine
3 medication [~~auto-injectors~~] at each campus in the district or
4 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 medication [~~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 medication [~~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 medication
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 amount [~~number~~] of epinephrine medication
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 medication [~~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 medication [~~auto-injector~~];

11 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 medication [~~auto-injector~~] present during regular
21 school [~~all~~] 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
25 medication [~~auto-injectors~~] or medication for respiratory
26 distress, as applicable, in accordance with a policy adopted under
27 Subsection (a) or (a-1).

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

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

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

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

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

19 (3) the commissioner of state health services.

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

22 (1) the age of the person who received the
23 administration of the epinephrine medication [~~auto-injector~~];

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

27 (3) the physical location where the epinephrine

1 medication [~~auto-injector~~] was administered;

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

4 (5) the title of the person who administered the
5 epinephrine medication [~~auto-injector~~]; and

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

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

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

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

16 (2) administering [~~an~~] epinephrine medication
17 [~~auto-injector~~];

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

21 (4) properly disposing of used or expired epinephrine
22 medication [~~auto-injectors~~].

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

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

27 SECTION 11. Section 38.211, Education Code, is amended by

1 amending Subsections (a), (b), (c), (e), and (f) and adding
2 Subsections (b-1) and (b-2) 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 medication [~~auto-injectors~~] or medication
6 for respiratory distress in the name of a school district,
7 open-enrollment charter school, or private school.

8 (b) A physician or other person who prescribes epinephrine
9 medication [~~auto-injectors~~] or medication for respiratory distress
10 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 medication [~~auto-injector~~] to a
14 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 (b-1) The commissioner of state health services or, if the
18 commissioner is not a physician, the chief medical executive of the
19 Department of State Health Services may issue a statewide standing
20 order prescribing epinephrine medication to a school district,
21 open-enrollment charter school, or private school.

22 (b-2) If a standing order has not been issued under
23 Subsection (b-1) to a school district, open-enrollment charter
24 school, or private school within 30 days of the beginning of a
25 school year, a regional director of a public health region
26 described by Section 121.007, Health and Safety Code, or a health
27 authority, as defined by Section 121.021, Health and Safety Code,

1 may issue a standing order prescribing epinephrine medication to a
2 school district, open-enrollment charter school, or private school
3 in the director's public health region or health authority's
4 jurisdiction, as applicable, for that school year.

5 (c) The standing order under Subsection (b), (b-1), or (b-2)
6 is not required to be patient-specific, and the epinephrine
7 medication [~~auto-injector~~] or medication for respiratory distress
8 may be administered to a person without a previously established
9 physician-patient relationship.

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

11 (1) the name and signature of the prescribing
12 physician or other person;

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

15 (3) as applicable, the quantity and types of
16 epinephrine medication [~~auto-injectors~~] or the quantity and types
17 of medications for respiratory distress to be obtained and
18 maintained under the order; and

19 (4) the date of issue.

20 (f) A pharmacist may dispense [~~an~~] epinephrine medication
21 [~~auto-injector~~] or medication for respiratory distress to a school
22 district, open-enrollment charter school, or private school
23 without requiring the name or any other identifying information
24 relating to the user.

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

27 (a) A person who in good faith takes, or fails to take, any

1 action under this subchapter is immune from civil or criminal
2 liability or disciplinary action resulting from that action or
3 failure to act, including:

4 (1) issuing an order for epinephrine medication
5 [~~auto-injectors~~] or medication for respiratory distress;

6 (2) supervising or delegating the administration of
7 [~~an~~] epinephrine medication [~~auto-injector~~] or medication for
8 respiratory distress;

9 (3) possessing, maintaining, storing, or disposing of
10 [~~an~~] epinephrine medication [~~auto-injector~~] or medication for
11 respiratory distress;

12 (4) prescribing [~~an~~] epinephrine medication
13 [~~auto-injector~~] or medication for respiratory distress;

14 (5) dispensing:

15 (A) [~~an~~] epinephrine medication [~~auto-injector~~];

16 or

17 (B) medication for respiratory distress;

18 (6) administering, or assisting in administering,
19 [~~an~~] epinephrine medication [~~auto-injector~~] or medication for
20 respiratory distress;

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

24 (8) undertaking any other act permitted or required
25 under this subchapter.

26 SECTION 13. This Act takes effect immediately if it
27 receives a vote of two-thirds of all the members elected to each

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1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, this Act takes effect September 1, 2025.