

AN ACT

relating to the use of an epinephrine delivery system 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 systems [~~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 SYSTEMS [~~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 system" 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 systems [~~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 systems [~~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 system [~~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 system [~~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 system [~~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 SYSTEMS [~~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 systems [~~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 system [~~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 system [~~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 system
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 systems
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 systems [~~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 system
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 system [~~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 systems [~~auto-injectors~~] or medication for respiratory distress,
26 as applicable, in accordance with a policy adopted under Subsection
27 (a) or (a-1).

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

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

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

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

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

(3) the commissioner of state health services.

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

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

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

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

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

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

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

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

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

(1) recognizing the signs and symptoms of anaphylaxis;

(2) administering an epinephrine delivery system ~~[auto-injector]~~;

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) as applicable, the quantity and types of

1 epinephrine delivery systems [~~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 system [~~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 systems
17 [~~auto-injectors~~] or medication for respiratory distress;

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

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

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

26 (5) dispensing:

27 (A) an epinephrine delivery system

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

2 (B) medication for respiratory distress;

3 (6) administering, or assisting in administering, an
4 epinephrine delivery system ~~[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 SYSTEMS ~~[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 system" 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 SYSTEMS ~~[AUTO-INJECTORS]~~.

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

Education Code, are amended to read as follows:

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

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

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

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

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

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

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

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 system
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 system ~~[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 systems
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 system
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 SYSTEM ~~[AUTO-INJECTOR]~~. (a) Not later than the 10th business day
23 after the date a personnel member or volunteer administers an
24 epinephrine delivery system ~~[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) the physician who prescribed the epinephrine delivery system ~~[auto-injector]~~; and

(2) the commissioner of state health services.

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

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

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

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

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

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

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

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

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

(b) Training required under this section must:

(1) include information on:

(A) recognizing the signs and symptoms of

1 anaphylaxis;

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

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

7 (D) properly disposing of used or expired
8 epinephrine delivery systems ~~[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 SYSTEMS
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 systems
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 system ~~[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 system
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 systems
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 system [~~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 systems
19 [~~auto-injectors~~];

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

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

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

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

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

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

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

7 (9) administering, or assisting in administering, an
8 epinephrine delivery system [~~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 system" 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.

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

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

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

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

- (1) rules adopted under this section; and
- (2) a delegated practice agreement that provides for medical supervision by a licensed physician who either:
 - (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 systems [~~auto-injector~~
7 ~~devices~~] to certain emergency medical services personnel of the
8 system through:

9 (1) the delegated practice agreement; or

10 (2) the adoption of policies governing the use of the
11 epinephrine delivery systems [~~devices~~] by personnel within the
12 system.

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

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

25 (f) A person otherwise authorized to sell or provide an
26 epinephrine delivery system [~~auto-injector device~~] to another may
27 sell or provide the epinephrine delivery systems [~~devices~~] to an

1 emergency medical services provider or a first responder
2 organization authorized to acquire and possess the epinephrine
3 delivery systems [~~devices~~] under this section.

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

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

13 (a) This section applies to:

- 14 (1) an amusement park, as defined by Section 46.03,
15 Penal Code;
- 16 (2) a child-care facility, as defined by Section
17 42.002, Human Resources Code;
- 18 (3) a day camp or youth camp, as defined by Section
19 141.002;
- 20 (4) a private or independent institution of higher
21 education, as defined by Section 61.003, Education Code;
- 22 (5) a restaurant, as defined by Section 17.821,
23 Business & Commerce Code;
- 24 (6) a sports venue, as defined by Section 504.151,
25 Local Government Code;
- 26 (7) a youth center, as defined by Section 481.134; or
27 (8) subject to Subsection (b), any other entity that

1 the executive commissioner by rule designates as an entity that
2 would benefit from the possession and administration of epinephrine
3 delivery systems [~~auto-injectors~~].

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

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

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

16 (1) the number of epinephrine delivery systems
17 [~~auto-injectors~~] and the dosages of the epinephrine delivery
18 systems [~~auto-injectors~~] available at each entity;

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

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

25 (f) Each entity that adopts a policy under Subsection (c)
26 must have at least one entity employee or volunteer authorized and
27 trained to administer an epinephrine delivery system

1 ~~[auto-injector]~~ present during all hours the entity is open to the
2 public or to the population that the entity serves, as applicable.

3 (g) The supply of epinephrine delivery systems
4 ~~[auto-injectors]~~ at each entity must:

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

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

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

14 (i) Employee and volunteer training under this section
15 must:

16 (1) include information on:

17 (A) the signs and symptoms of anaphylaxis;

18 (B) the recommended dosages for an adult and a
19 child;

20 (C) the administration of an epinephrine
21 delivery system ~~[auto-injector]~~;

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

25 (E) the proper disposal of used or expired
26 epinephrine delivery systems ~~[auto-injectors]~~; and

27 (2) be completed annually in a formal training session

1 or through online education.

2 (k) A physician or person who has been delegated
3 prescriptive authority under Chapter 157, Occupations Code, may
4 prescribe epinephrine delivery systems [~~auto-injectors~~] in the
5 name of an entity.

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

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

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

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

23 (1) the name and signature of the prescriber;

24 (2) the name of the entity to which the order is
25 issued;

26 (3) the quantity of epinephrine delivery systems
27 [~~auto-injectors~~] to be obtained and maintained under the order; and

(4) the date of issue.

(q) A pharmacist may dispense an epinephrine delivery system ~~[auto-injector]~~ to an entity without requiring the name or any other identifying information relating to the user.

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

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

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

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

(4) prescribing an epinephrine delivery system ~~[auto-injector]~~;

(5) dispensing an epinephrine delivery system ~~[auto-injector]~~;

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

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

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

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

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

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

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

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

Sec. 42.067. EPINEPHRINE DELIVERY SYSTEMS [~~AUTO-INJECTORS~~]; IMMUNITY FROM LIABILITY.

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

(2-a) "Epinephrine delivery system" 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.

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

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

1 (c) A physician or other person who prescribes epinephrine
2 delivery systems [~~auto-injectors~~] under Subsection (b) shall
3 provide the day-care center with a standing order for the
4 administration of an epinephrine delivery system [~~auto-injector~~]
5 to a person reasonably believed to be experiencing anaphylaxis.

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

10 (f) 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 day-care center to which the order
14 is issued;

15 (3) the quantity of epinephrine delivery systems
16 [~~auto-injectors~~] to be obtained and maintained under the order; and

17 (4) the date the order was issued.

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

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

26 (i) Each day-care center is responsible for training
27 employees in the administration of an epinephrine delivery system

1 ~~[auto-injector]~~. The training must:

2 (1) include information on:

3 (A) recognizing the signs and symptoms of
4 anaphylaxis;

5 (B) administering an epinephrine delivery system
6 ~~[auto-injector]~~;

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

10 (D) implementing emergency procedures, if
11 necessary, after administering an epinephrine delivery system
12 ~~[auto-injector]~~; and

13 (E) the proper disposal of used or expired
14 epinephrine delivery systems ~~[auto-injectors]~~; and

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

17 (k) Not later than the 10th business day after the date a
18 day-care center employee administers an epinephrine delivery
19 system ~~[auto-injector]~~ in accordance with this section, the
20 day-care center shall report the following information to the
21 persons listed in Subsection (1):

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

24 (2) whether the person who received the administration
25 of the epinephrine delivery system ~~[auto-injector]~~ was:

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

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

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

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

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

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

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

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

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

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

(3) the commission; and

(4) the Department of State Health Services.

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

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

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

(3) possessing, maintaining, storing, or disposing of

1 an epinephrine delivery system [~~auto-injector~~];

2 (4) prescribing an epinephrine delivery system
3 [~~auto-injector~~];

4 (5) dispensing an epinephrine delivery system
5 [~~auto-injector~~];

6 (6) administering, or assisting in administering, an
7 epinephrine delivery system [~~auto-injector~~];

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

11 (8) undertaking any other act permitted or required
12 under this section.

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

19 SECTION 29. Section 562.057, Occupations Code, is amended
20 to read as follows:

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

25 (b) The board shall adopt rules designed to protect the
26 public health and safety to implement this section. The rules must
27 provide that a pharmacist may administer epinephrine through an

1 epinephrine delivery system [~~auto-injector device~~] to a patient in
2 an emergency situation.

3 (c) A pharmacist may maintain, administer, and dispose of
4 epinephrine delivery systems [~~auto-injector devices~~] only in
5 accordance with rules adopted by the board under this section.

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

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

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

24 (g) In this section:

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

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

5 (A) an epinephrine auto-injector; and

6 (B) an epinephrine nasal spray.

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

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

13 (A) an epinephrine auto-injector; and

14 (B) an epinephrine nasal spray.

15 SECTION 31. Section 1701.702, Occupations Code, is amended
16 to read as follows:

17 Sec. 1701.702. ADMINISTRATION OF EPINEPHRINE. (a) A law
18 enforcement agency may acquire and possess epinephrine delivery
19 systems [~~auto-injectors~~] and a peace officer may possess and
20 administer an epinephrine delivery system [~~auto-injector~~] in
21 accordance with this subchapter.

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

26 (c) The commission, in consultation with the Department of
27 State Health Services, shall approve a training course on the

1 administration of an epinephrine delivery system [~~auto-injector~~].

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

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

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

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

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

19 (1) the name and signature of the prescribing
20 physician or other person;

21 (2) the name of the law enforcement agency to which the
22 order is issued;

23 (3) the quantity of epinephrine delivery systems
24 [~~auto-injectors~~] to be obtained and maintained under the order; and

25 (4) the date the order was issued.

26 (f) A pharmacist may dispense an epinephrine delivery
27 system [~~auto-injector~~] to a law enforcement agency without

1 requiring the name of or any other identifying information relating
2 to the user.

3 SECTION 33. Section 1701.704, Occupations Code, is amended
4 to read as follows:

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

12 (1) establish a process for the agency to check the
13 inventory of epinephrine delivery systems [~~auto-injectors~~] at
14 regular intervals for expiration and replacement; and

15 (2) require that the epinephrine delivery systems
16 [~~auto-injectors~~] be stored in a secure location.

17 SECTION 34. Section 1701.705, Occupations Code, is amended
18 to read as follows:

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

25 (1) the age of the person to whom the epinephrine
26 delivery system [~~auto-injector~~] was administered; and

27 (2) the number of epinephrine delivery system

1 ~~[auto-injector]~~ doses administered to the person.

2 SECTION 35. Section 1701.707, Occupations Code, is amended
3 to read as follows:

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

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

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

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

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

22 (3) possessing, maintaining, storing, or disposing of
23 an epinephrine delivery system ~~[auto-injector]~~;

24 (4) prescribing an epinephrine delivery system
25 ~~[auto-injector]~~;

26 (5) dispensing an epinephrine delivery system
27 ~~[auto-injector]~~;

1 (6) administering, or assisting in administering, an
2 epinephrine delivery system [~~auto-injector~~];

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

6 (8) undertaking any other act permitted or required
7 under this subchapter.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1619 passed the Senate on April 1, 2025, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 5, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1619 passed the House, with amendment, on April 30, 2025, by the following vote: Yeas 140, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor