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S.B. No. 1619

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

20 (3) the commissioner of state health services.

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

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

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

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

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

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

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

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

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

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

17 (2) administering an epinephrine delivery device  
18 [~~auto-injector~~];

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

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

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

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

1 SECTION 11. Sections 38.211(a), (b), (c), (e), and (f),  
2 Education Code, are amended 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 delivery devices [~~auto-injectors~~] or  
6 medication for respiratory distress in the name of a school  
7 district, open-enrollment charter school, or private school.

8 (b) A physician or other person who prescribes epinephrine  
9 delivery devices [~~auto-injectors~~] or medication for respiratory  
10 distress 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 delivery device [~~auto-injector~~] to  
14 a 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 (c) The standing order under Subsection (b) is not required  
18 to be patient-specific, and the epinephrine delivery device  
19 [~~auto-injector~~] or medication for respiratory distress may be  
20 administered to a person without a previously established  
21 physician-patient relationship.

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

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

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

27 (3) as applicable, the quantity and types of



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

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

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

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

26 (5) dispensing:

27 (A) an epinephrine delivery device

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

2 (B) medication for respiratory distress;

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

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

1 Education Code, are amended to read as follows:

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

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

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

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

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

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

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

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 device  
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 device ~~[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 devices  
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 device  
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 DEVICE ~~[AUTO-INJECTOR]~~. (a) Not later than the 10th business day  
23 after the date a personnel member or volunteer administers an  
24 epinephrine delivery device ~~[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 (1) the physician who prescribed the epinephrine  
2 delivery device [~~auto-injector~~]; and

3 (2) the commissioner of state health services.

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

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

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

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

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

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

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

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

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

25 (b) Training required under this section must:

26 (1) include information on:

27 (A) recognizing the signs and symptoms of

1 anaphylaxis;

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

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

7 (D) properly disposing of used or expired  
8 epinephrine delivery devices [~~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 DEVICES  
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 devices  
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 device [~~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 device  
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 devices  
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 device [~~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 devices  
19 [~~auto-injectors~~];

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

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

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

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

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

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

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

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



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

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

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

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

24 (1) rules adopted under this section; and  
25 (2) a delegated practice agreement that provides for  
26 medical supervision by a licensed physician who either:

27 (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 [~~auto-injector~~] devices to  
7 certain emergency medical services personnel of the system through:

8 (1) the delegated practice agreement; or

9 (2) the adoption of policies governing the use of the  
10 epinephrine delivery devices by personnel within the system.

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

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

23 (f) A person otherwise authorized to sell or provide an  
24 epinephrine delivery [~~auto-injector~~] device to another may sell or  
25 provide the epinephrine delivery devices to an emergency medical  
26 services provider or a first responder organization authorized to  
27 acquire and possess the epinephrine delivery devices under this

1 section.

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

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

11 (a) This section applies to:

12 (1) an amusement park, as defined by Section 46.03,  
13 Penal Code;

14 (2) a child-care facility, as defined by Section  
15 42.002, Human Resources Code;

16 (3) a day camp or youth camp, as defined by Section  
17 141.002;

18 (4) a private or independent institution of higher  
19 education, as defined by Section 61.003, Education Code;

20 (5) a restaurant, as defined by Section 17.821,  
21 Business & Commerce Code;

22 (6) a sports venue, as defined by Section 504.151,  
23 Local Government Code;

24 (7) a youth center, as defined by Section 481.134; or

25 (8) subject to Subsection (b), any other entity that  
26 the executive commissioner by rule designates as an entity that  
27 would benefit from the possession and administration of epinephrine

1 delivery devices [~~auto-injectors~~].

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

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

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

14 (1) the number of epinephrine delivery devices  
15 [~~auto-injectors~~] and the dosages of the epinephrine delivery  
16 devices [~~auto-injectors~~] available at each entity;

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

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

23 (f) Each entity that adopts a policy under Subsection (c)  
24 must have at least one entity employee or volunteer authorized and  
25 trained to administer an epinephrine delivery device  
26 [~~auto-injector~~] present during all hours the entity is open to the  
27 public or to the population that the entity serves, as applicable.

1 (g) The supply of epinephrine delivery devices  
2 [~~auto-injectors~~] at each entity must:

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

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

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

12 (i) Employee and volunteer training under this section  
13 must:

14 (1) include information on:

15 (A) the signs and symptoms of anaphylaxis;

16 (B) the recommended dosages for an adult and a  
17 child;

18 (C) the administration of an epinephrine  
19 delivery device [~~auto-injector~~];

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

23 (E) the proper disposal of used or expired  
24 epinephrine delivery devices [~~auto-injectors~~]; and

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

27 (k) A physician or person who has been delegated

1 prescriptive authority under Chapter 157, Occupations Code, may  
2 prescribe epinephrine delivery devices [~~auto-injectors~~] in the  
3 name of an entity.

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

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

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

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

- 21 (1) the name and signature of the prescriber;
- 22 (2) the name of the entity to which the order is  
23 issued;
- 24 (3) the quantity of epinephrine delivery devices  
25 [~~auto-injectors~~] to be obtained and maintained under the order; and
- 26 (4) the date of issue.

27 (q) A pharmacist may dispense an epinephrine delivery

1 device [~~auto-injector~~] to an entity without requiring the name or  
2 any other identifying information relating to the user.

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

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

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

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

13 (4) prescribing an epinephrine delivery device  
14 [~~auto-injector~~];

15 (5) dispensing an epinephrine delivery device  
16 [~~auto-injector~~];

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

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

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

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

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

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

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

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

9 Sec. 42.067. EPINEPHRINE DELIVERY DEVICES  
10 [~~AUTO-INJECTORS~~]; IMMUNITY FROM LIABILITY.

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

13 (2-a) "Epinephrine delivery device" means a medical  
14 delivery device approved by the United States Food and Drug  
15 Administration that delivers a dose of epinephrine intended for use  
16 to treat anaphylaxis, including:

17 (A) an epinephrine auto-injector; and

18 (B) an epinephrine nasal spray.

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

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

26 (c) A physician or other person who prescribes epinephrine  
27 delivery devices [~~auto-injectors~~] under Subsection (b) shall



1 provide the day-care center with a standing order for the  
2 administration of an epinephrine delivery device [~~auto-injector~~]  
3 to a person reasonably believed to be experiencing anaphylaxis.

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

8 (f) An order issued under this section must contain:

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

11 (2) the name of the day-care center to which the order  
12 is issued;

13 (3) the quantity of epinephrine delivery devices  
14 [~~auto-injectors~~] to be obtained and maintained under the order; and

15 (4) the date the order was issued.

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

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

24 (i) Each day-care center is responsible for training  
25 employees in the administration of an epinephrine delivery device  
26 [~~auto-injector~~]. The training must:

27 (1) include information on:

1 (A) recognizing the signs and symptoms of  
2 anaphylaxis;

3 (B) administering an epinephrine delivery device  
4 [~~auto-injector~~];

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

8 (D) implementing emergency procedures, if  
9 necessary, after administering an epinephrine delivery device  
10 [~~auto-injector~~]; and

11 (E) the proper disposal of used or expired  
12 epinephrine delivery devices [~~auto-injectors~~]; and

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

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

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

22 (2) whether the person who received the administration  
23 of the epinephrine delivery device [~~auto-injector~~] was:

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

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

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

27 (3) the physical location where the epinephrine

1 delivery device [~~auto-injector~~] was administered;

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

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

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

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

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

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

13 (3) the commission; and

14 (4) the Department of State Health Services.

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

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

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

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

27 (4) prescribing an epinephrine delivery device

1 ~~[auto-injector];~~

2 (5) dispensing an epinephrine delivery device  
3 ~~[auto-injector];~~

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

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 section.

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

17 SECTION 29. Section 562.057, Occupations Code, is amended  
18 to read as follows:

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

22 (b) The board shall adopt rules designed to protect the  
23 public health and safety to implement this section. The rules must  
24 provide that a pharmacist may administer epinephrine through an  
25 epinephrine delivery ~~[auto-injector]~~ device to a patient in an  
26 emergency situation.

27 (c) A pharmacist may maintain, administer, and dispose of

1 epinephrine delivery [~~auto-injector~~] devices only in accordance  
2 with rules adopted by the board under this section.

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

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

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

21 (g) In this section:

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

25 (2) "Epinephrine delivery device" means a medical  
26 delivery device approved by the United States Food and Drug  
27 Administration that delivers a dose of epinephrine intended for use

1 to treat anaphylaxis, including:

2 (A) an epinephrine auto-injector; and

3 (B) an epinephrine nasal spray.

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

6 (2-a) "Epinephrine delivery device" means a medical  
7 delivery device approved by the United States Food and Drug  
8 Administration that delivers a dose of epinephrine intended for use  
9 to treat anaphylaxis, including:

10 (A) an epinephrine auto-injector; and

11 (B) an epinephrine nasal spray.

12 SECTION 31. Section 1701.702, Occupations Code, is amended  
13 to read as follows:

14 Sec. 1701.702. ADMINISTRATION OF EPINEPHRINE. (a) A law  
15 enforcement agency may acquire and possess epinephrine delivery  
16 devices [~~auto-injectors~~] and a peace officer may possess and  
17 administer an epinephrine delivery device [~~auto-injector~~] in  
18 accordance with this subchapter.

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

23 (c) The commission, in consultation with the Department of  
24 State Health Services, shall approve a training course on the  
25 administration of an epinephrine delivery device [~~auto-injector~~].

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

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

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

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

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

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

18 (2) the name of the law enforcement agency to which the  
19 order is issued;

20 (3) the quantity of epinephrine delivery devices  
21 [~~auto-injectors~~] to be obtained and maintained under the order; and

22 (4) the date the order was issued.

23 (f) A pharmacist may dispense an epinephrine delivery  
24 device [~~auto-injector~~] to a law enforcement agency without  
25 requiring the name of or any other identifying information relating  
26 to the user.

27 SECTION 33. Section 1701.704, Occupations Code, is amended

1 to read as follows:

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

9           (1) establish a process for the agency to check the  
10 inventory of epinephrine delivery devices [~~auto-injectors~~] at  
11 regular intervals for expiration and replacement; and

12           (2) require that the epinephrine delivery devices  
13 [~~auto-injectors~~] be stored in a secure location.

14           SECTION 34. Section 1701.705, Occupations Code, is amended  
15 to read as follows:

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

22           (1) the age of the person to whom the epinephrine  
23 delivery device [~~auto-injector~~] was administered; and

24           (2) the number of epinephrine delivery device  
25 [~~auto-injector~~] doses administered to the person.

26           SECTION 35. Section 1701.707, Occupations Code, is amended  
27 to read as follows:



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

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

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

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

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

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

21                   (4) prescribing an epinephrine delivery device  
22 [~~auto-injector~~];

23                   (5) dispensing an epinephrine delivery device  
24 [~~auto-injector~~];

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

27                   (7) providing, or assisting in providing, training,

1 consultation, or advice in the development, adoption, or  
2 implementation of policies, guidelines, rules, or plans; or

3 (8) undertaking any other act permitted or required  
4 under this subchapter.

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