

1-1 By: Zaffirini S.B. No. 1619
1-2 (In the Senate - Filed February 25, 2025; March 10, 2025,
1-3 read first time and referred to Committee on Education K-16;
1-4 March 26, 2025, reported favorably by the following vote: Yeas 11,
1-5 Nays 0; March 26, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Creighton	X		
1-9	Campbell	X		
1-10	Bettencourt	X		
1-11	Hagenbuch	X		
1-12	Hinojosa of Nueces	X		
1-13	King	X		
1-14	Menéndez	X		
1-15	Middleton	X		
1-16	Parker	X		
1-17	Paxton	X		
1-18	West	X		

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the use of an epinephrine delivery device by certain
1-22 entities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 38.0151(f), Education Code, is amended
1-25 to read as follows:

1-26 (f) A school district or open-enrollment charter school
1-27 that provides for the maintenance, administration, and disposal of
1-28 epinephrine delivery devices [~~auto-injectors~~] under Subchapter E
1-29 is not required to comply with this section.

1-30 SECTION 2. The heading to Subchapter E, Chapter 38,
1-31 Education Code, is amended to read as follows:

1-32 SUBCHAPTER E. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE
1-33 DELIVERY DEVICES [~~AUTO-INJECTORS~~] AND MEDICATION FOR RESPIRATORY
1-34 DISTRESS

1-35 SECTION 3. Section 38.201, Education Code, is amended by
1-36 amending Subdivision (3-a) and adding Subdivision (3-b) to read as
1-37 follows:

1-38 (3-a) "Epinephrine delivery device" means a medical
1-39 delivery device approved by the United States Food and Drug
1-40 Administration that delivers a dose of epinephrine intended for use
1-41 to treat anaphylaxis, including:

1-42 (A) an epinephrine auto-injector; and

1-43 (B) an epinephrine nasal spray.

1-44 (3-b) "Medication for respiratory distress" means
1-45 albuterol, levalbuterol, or another medication designated by the
1-46 executive commissioner of the Health and Human Services Commission
1-47 for treatment of respiratory distress under Section 38.208(c).

1-48 SECTION 4. Section 38.202(a), Education Code, is amended to
1-49 read as follows:

1-50 (a) The commissioner of state health services shall
1-51 establish an advisory committee to examine and review the
1-52 administration, on a campus of a school district, an
1-53 open-enrollment charter school, a private school, or an institution
1-54 of higher education, of:

1-55 (1) epinephrine delivery devices [~~auto-injectors~~] to
1-56 a person experiencing an anaphylactic reaction; and

1-57 (2) medication for respiratory distress to a person
1-58 experiencing respiratory distress.

1-59 SECTION 5. Section 38.207, Education Code, is amended to
1-60 read as follows:

1-61 Sec. 38.207. ADVISORY COMMITTEE: DUTIES. The advisory

2-1 committee shall advise the commissioner of state health services
2-2 on:

2-3 (1) the storage and maintenance of epinephrine
2-4 delivery devices [~~auto-injectors~~] and medication for respiratory
2-5 distress on school campuses and campuses of institutions of higher
2-6 education;

2-7 (2) the training of school personnel and school
2-8 volunteers, and of personnel and volunteers at institutions of
2-9 higher education, in the administration of an epinephrine delivery
2-10 device [~~auto-injector~~];

2-11 (3) the training of school personnel and school
2-12 volunteers, and of personnel and volunteers at institutions of
2-13 higher education, in the administration of a medication for
2-14 respiratory distress; and

2-15 (4) a plan for:

2-16 (A) one or more school personnel members or
2-17 school volunteers trained in the administration of an epinephrine
2-18 delivery device [~~auto-injector~~] to be on each school campus;

2-19 (B) one or more school personnel members or
2-20 school volunteers trained in the administration of medication for
2-21 respiratory distress to be on each school campus;

2-22 (C) one or more personnel members or volunteers
2-23 of an institution of higher education trained in the administration
2-24 of an epinephrine delivery device [~~auto-injector~~] to be on each
2-25 campus of an institution of higher education; and

2-26 (D) one or more personnel members or volunteers
2-27 of an institution of higher education trained in the administration
2-28 of medication for respiratory distress to be on each campus of an
2-29 institution of higher education.

2-30 SECTION 6. The heading to Section 38.208, Education Code,
2-31 is amended to read as follows:

2-32 Sec. 38.208. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE
2-33 DELIVERY DEVICES [~~AUTO-INJECTORS~~] AND MEDICATION FOR RESPIRATORY
2-34 DISTRESS.

2-35 SECTION 7. Sections 38.208(a), (b), (c), (d), (d-2), and
2-36 (e), Education Code, are amended to read as follows:

2-37 (a) Each school district, open-enrollment charter school,
2-38 and private school may adopt and implement a policy regarding the
2-39 maintenance, administration, and disposal of epinephrine delivery
2-40 devices [~~auto-injectors~~] at each campus in the district or school.

2-41 (b) If a policy is adopted under Subsection (a), the policy:

2-42 (1) must provide that school personnel and school
2-43 volunteers who are authorized and trained may administer an
2-44 epinephrine delivery device [~~auto-injector~~] to a person who is
2-45 reasonably believed to be experiencing anaphylaxis on a school
2-46 campus; and

2-47 (2) may provide that school personnel and school
2-48 volunteers who are authorized and trained may administer an
2-49 epinephrine delivery device [~~auto-injector~~] to a person who is
2-50 reasonably believed to be experiencing anaphylaxis at an off-campus
2-51 school event or while in transit to or from a school event.

2-52 (c) The executive commissioner of the Health and Human
2-53 Services Commission, in consultation with the commissioner of
2-54 education, and with advice from the advisory committee as
2-55 appropriate, shall adopt rules regarding the maintenance,
2-56 administration, and disposal of an epinephrine delivery device
2-57 [~~auto-injector~~] at a school campus subject to a policy adopted
2-58 under Subsection (a) and the maintenance, administration, and
2-59 disposal of medication for respiratory distress at a school campus
2-60 subject to a policy adopted under Subsection (a-1). The rules must
2-61 establish:

2-62 (1) the number of epinephrine delivery devices
2-63 [~~auto-injectors~~] available at each campus;

2-64 (2) the amount of medication for respiratory distress
2-65 available at each campus;

2-66 (3) the process for each school district,
2-67 open-enrollment charter school, and private school to check the
2-68 inventory of epinephrine delivery devices [~~auto-injectors~~] and
2-69 medication for respiratory distress at regular intervals for

expiration and replacement;

(4) the amount of training required for school personnel and school volunteers to administer:

(A) an epinephrine delivery device ~~[auto-injector]~~; or

(B) medication for respiratory distress; and

(5) the types of medication that may be administered under Subsection (b-1) to persons experiencing respiratory distress, based on a review of the best available medical evidence.

(d) Each school district, open-enrollment charter school, and private school that adopts a policy under Subsection (a) must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine delivery device ~~[auto-injector]~~ present during all hours the campus is open.

(d-2) A school personnel member or school volunteer may not be subject to any penalty or disciplinary action for refusing to administer or receive training to administer epinephrine delivery devices ~~[auto-injectors]~~ or medication for respiratory distress, as applicable, in accordance with a policy adopted under Subsection (a) or (a-1).

(e) The supply of epinephrine delivery devices ~~[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 device ~~[auto-injector]~~.

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

Sec. 38.209. REPORT ON ADMINISTERING EPINEPHRINE DELIVERY DEVICE ~~[AUTO-INJECTOR]~~. (a) Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine delivery device ~~[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 device ~~[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 device ~~[auto-injector]~~;

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

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

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

(5) the title of the person who administered the epinephrine delivery device ~~[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 device ~~[auto-injector]~~. The training must include information on:

(1) recognizing the signs and symptoms of anaphylaxis;

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

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

(4) properly disposing of used or expired epinephrine delivery devices ~~[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 DEVICES ~~[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 devices ~~[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 devices ~~[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 device ~~[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 device ~~[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 epinephrine delivery devices ~~[auto-injectors]~~ or the quantity and types of medications for respiratory distress to be obtained and maintained under the order; and

(4) the date of issue.

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

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

(a) A person who in good faith takes, or fails to take, any action under this subchapter 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 devices ~~[auto-injectors]~~ or medication for respiratory distress;

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

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

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

(5) dispensing:
(A) an epinephrine delivery device ~~[auto-injector]~~; or

(B) medication for respiratory distress;

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

(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

5-1 under this subchapter.

5-2 SECTION 13. The heading to Subchapter Y-1, Chapter 51,
5-3 Education Code, is amended to read as follows:

5-4 SUBCHAPTER Y-1. MAINTENANCE, STORAGE, ADMINISTRATION, AND
5-5 DISPOSAL OF EPINEPHRINE DELIVERY DEVICES [~~AUTO-INJECTORS~~]

5-6 SECTION 14. Section 51.881, Education Code, is amended by
5-7 adding Subdivision (4-a) to read as follows:

5-8 (4-a) "Epinephrine delivery device" means a medical
5-9 delivery device approved by the United States Food and Drug
5-10 Administration that delivers a dose of epinephrine intended for use
5-11 to treat anaphylaxis, including:

5-12 (A) an epinephrine auto-injector; and

5-13 (B) an epinephrine nasal spray.

5-14 SECTION 15. The heading to Section 51.882, Education Code,
5-15 is amended to read as follows:

5-16 Sec. 51.882. MAINTENANCE, STORAGE, ADMINISTRATION, AND
5-17 DISPOSAL OF EPINEPHRINE DELIVERY DEVICES [~~AUTO-INJECTORS~~].

5-18 SECTION 16. Sections 51.882(a), (b), (c), (d), and (e),
5-19 Education Code, are amended to read as follows:

5-20 (a) Each institution of higher education may adopt and
5-21 implement a policy regarding the maintenance, storage,
5-22 administration, and disposal of epinephrine delivery devices
5-23 [~~auto-injectors~~] on the institution's campus.

5-24 (b) If a policy is adopted under Subsection (a), the policy:

5-25 (1) must provide that personnel or volunteers who are
5-26 authorized and trained may administer an epinephrine delivery
5-27 device [~~auto-injector~~] to a person who is reasonably believed to be
5-28 experiencing anaphylaxis on the institution's campus; and

5-29 (2) may provide that personnel or volunteers who are
5-30 authorized and trained may administer an epinephrine delivery
5-31 device [~~auto-injector~~] to a person who is reasonably believed to be
5-32 experiencing anaphylaxis at an off-campus event or while in transit
5-33 to or from an off-campus event sponsored by the institution of
5-34 higher education.

5-35 (c) The executive commissioner of the Health and Human
5-36 Services Commission [~~state health services~~] with advice from the
5-37 advisory committee shall adopt rules regarding the maintenance,
5-38 storage, administration, and disposal of an epinephrine delivery
5-39 device [~~auto-injector~~] on the campus of an institution of higher
5-40 education subject to a policy adopted under Subsection (a). The
5-41 rules must establish:

5-42 (1) the number of epinephrine delivery devices
5-43 [~~auto-injectors~~] available at each campus;

5-44 (2) the process for each institution of higher
5-45 education to check the inventory of epinephrine delivery devices
5-46 [~~auto-injectors~~] at regular intervals for expiration and
5-47 replacement; and

5-48 (3) the amount of training required for personnel or
5-49 volunteers to administer an epinephrine delivery device
5-50 [~~auto-injector~~].

5-51 (d) Each institution of higher education that adopts a
5-52 policy under Subsection (a):

5-53 (1) must require that the institution's campuses have
5-54 personnel or volunteers authorized and trained to administer an
5-55 epinephrine delivery device [~~auto-injector~~] present; and

5-56 (2) shall include the policy in the institution's
5-57 student handbook or similar publication and publish the policy on
5-58 the institution's Internet website.

5-59 (e) The supply of epinephrine delivery devices
5-60 [~~auto-injectors~~] at a campus must be stored in a secure location and
5-61 be easily accessible to personnel or volunteers authorized and
5-62 trained to administer an epinephrine delivery device
5-63 [~~auto-injector~~].

5-64 SECTION 17. Section 51.883, Education Code, is amended to
5-65 read as follows:

5-66 Sec. 51.883. REPORT ON ADMINISTERING EPINEPHRINE DELIVERY
5-67 DEVICE [~~AUTO-INJECTOR~~]. (a) Not later than the 10th business day
5-68 after the date a personnel member or volunteer administers an
5-69 epinephrine delivery device [~~auto-injector~~] in accordance with a

policy adopted under Section 51.882(a), the institution of higher education shall report the information required under Subsection (b) to:

(1) the physician who prescribed the epinephrine delivery device ~~[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 device ~~[auto-injector]~~;

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

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

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

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

(b) Training required under this section must:

(1) include information on:

(A) recognizing the signs and symptoms of anaphylaxis;

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

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

(D) properly disposing of used or expired epinephrine delivery devices ~~[auto-injectors]~~; and

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

SECTION 19. The heading to Section 51.885, Education Code, is amended to read as follows:

Sec. 51.885. PRESCRIPTION OF EPINEPHRINE DELIVERY DEVICES ~~[AUTO-INJECTORS]~~.

SECTION 20. Sections 51.885(a), (b), (d), and (e), Education Code, are amended to read as follows:

(a) A physician may prescribe epinephrine delivery devices ~~[auto-injectors]~~ in the name of an institution of higher education that adopts a policy under Section 51.882(a). The physician shall provide the institution with a standing order for the administration of an epinephrine delivery device ~~[auto-injector]~~ to a person reasonably believed to be experiencing anaphylaxis.

(b) The standing order under Subsection (a) is not required to be patient-specific, and the epinephrine delivery device ~~[auto-injector]~~ may be administered to a person without an established physician-patient relationship.

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

(1) the name and signature of the prescribing physician;

(2) the name of the institution of higher education to which the order is issued;

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

(4) the date of issue.

(e) A pharmacist may dispense an epinephrine delivery device ~~[auto-injector]~~ to an institution of higher education without requiring the name or any other identifying information relating to the user.

SECTION 21. Section 51.888(a), Education Code, is amended

7-1 to read as follows:

7-2 (a) A person who in good faith takes, or fails to take, any
7-3 action under this subchapter is immune from civil or criminal
7-4 liability or disciplinary action resulting from that act or failure
7-5 to act, including:

7-6 (1) issuing an order for epinephrine delivery devices
7-7 [~~auto-injectors~~];

7-8 (2) supervising or delegating the administration of an
7-9 epinephrine delivery device [~~auto-injector~~];

7-10 (3) possessing an epinephrine delivery device
7-11 [~~auto-injector~~];

7-12 (4) maintaining an epinephrine delivery device
7-13 [~~auto-injector~~];

7-14 (5) storing an epinephrine delivery device
7-15 [~~auto-injector~~];

7-16 (6) disposing of an epinephrine delivery device
7-17 [~~auto-injector~~];

7-18 (7) prescribing an epinephrine delivery device
7-19 [~~auto-injector~~];

7-20 (8) dispensing an epinephrine delivery device
7-21 [~~auto-injector~~];

7-22 (9) administering, or assisting in administering, an
7-23 epinephrine delivery device [~~auto-injector~~];

7-24 (10) providing, or assisting in providing, training,
7-25 consultation, or advice in the development, adoption, or
7-26 implementation of policies, guidelines, rules, or plans; or

7-27 (11) undertaking any other act permitted or required
7-28 under this subchapter.

7-29 SECTION 22. Section 773.003, Health and Safety Code, is
7-30 amended by amending Subdivision (15-a) and adding Subdivisions
7-31 (15-b) and (15-c) to read as follows:

7-32 (15-a) "Epinephrine auto-injector" means a disposable
7-33 medical drug delivery device that contains a premeasured single
7-34 dose of epinephrine intended for use to treat anaphylaxis.

7-35 (15-b) "Epinephrine delivery device" means a medical
7-36 delivery device approved by the United States Food and Drug
7-37 Administration that delivers a dose of epinephrine intended for use
7-38 to treat anaphylaxis, including:

7-39 (A) an epinephrine auto-injector; and

7-40 (B) an epinephrine nasal spray.

7-41 (15-c) "Executive commissioner" means the executive
7-42 commissioner of the Health and Human Services Commission.

7-43 SECTION 23. Sections 773.014(a), (b), (c), (c-1), (d), (e),
7-44 (f), and (g), Health and Safety Code, are amended to read as
7-45 follows:

7-46 (a) An emergency medical services provider and a first
7-47 responder organization may acquire and possess epinephrine
7-48 delivery [~~auto-injector~~] devices in accordance with this section.
7-49 Emergency medical services personnel may carry and administer
7-50 epinephrine delivery [~~auto-injector~~] devices in accordance with
7-51 this section.

7-52 (b) The executive commissioner shall adopt rules designed
7-53 to protect the public health and safety to implement this section.
7-54 The rules must provide that emergency medical services personnel
7-55 may administer an epinephrine delivery [~~auto-injector~~] device to
7-56 another only if the person has successfully completed a training
7-57 course, approved by the department, in the use of the device that is
7-58 consistent with the national standard training curriculum for
7-59 emergency medical technicians.

7-60 (c) An emergency medical services provider or first
7-61 responder organization may acquire, possess, maintain, and dispose
7-62 of epinephrine delivery [~~auto-injector~~] devices, and emergency
7-63 medical services personnel may carry, maintain, administer, and
7-64 dispose of epinephrine delivery [~~auto-injector~~] devices, only in
7-65 accordance with:

7-66 (1) rules adopted under this section; and

7-67 (2) a delegated practice agreement that provides for
7-68 medical supervision by a licensed physician who either:

7-69 (A) acts as a medical director for an emergency

8-1 medical services system or a licensed hospital; or

8-2 (B) has knowledge and experience in the delivery
8-3 of emergency care.

8-4 (c-1) A licensed physician acting as a medical director for
8-5 an emergency medical services system may restrict the use and
8-6 administration of epinephrine delivery ~~[auto-injector]~~ devices to
8-7 certain emergency medical services personnel of the system through:

8-8 (1) the delegated practice agreement; or

8-9 (2) the adoption of policies governing the use of the
8-10 epinephrine delivery devices by personnel within the system.

8-11 (d) Emergency medical services personnel who administer
8-12 epinephrine delivery ~~[auto-injector]~~ devices to others shall
8-13 immediately report the use to the physician supervising the
8-14 activities of the emergency medical services personnel.

8-15 (e) The administration of an epinephrine delivery
8-16 ~~[auto-injector]~~ device to another under this section is considered
8-17 to be the administration of emergency care for the purposes of any
8-18 statute relating to liability for the provision of emergency care.
8-19 The administration of an epinephrine delivery ~~[auto-injector]~~
8-20 device to another in accordance with the requirements of this
8-21 section does not constitute the unlawful practice of any health
8-22 care profession.

8-23 (f) A person otherwise authorized to sell or provide an
8-24 epinephrine delivery ~~[auto-injector]~~ device to another may sell or
8-25 provide the epinephrine delivery devices to an emergency medical
8-26 services provider or a first responder organization authorized to
8-27 acquire and possess the epinephrine delivery devices under this
8-28 section.

8-29 (g) This section does not prevent emergency medical
8-30 services personnel who are also licensed health care professionals
8-31 under another health care licensing law and who are authorized to
8-32 acquire, possess, and administer an epinephrine delivery
8-33 ~~[auto-injector]~~ device under the other health care licensing law
8-34 from acting under the other law.

8-35 SECTION 24. Sections 773.0145(a), (c), (d), (e), (f), (g),
8-36 (h), (i), (k), (l), (m), (o), (p), (q), and (r), Health and Safety
8-37 Code, are amended to read as follows:

8-38 (a) This section applies to:

8-39 (1) an amusement park, as defined by Section 46.03,
8-40 Penal Code;

8-41 (2) a child-care facility, as defined by Section
8-42 42.002, Human Resources Code;

8-43 (3) a day camp or youth camp, as defined by Section
8-44 141.002;

8-45 (4) a private or independent institution of higher
8-46 education, as defined by Section 61.003, Education Code;

8-47 (5) a restaurant, as defined by Section 17.821,
8-48 Business & Commerce Code;

8-49 (6) a sports venue, as defined by Section 504.151,
8-50 Local Government Code;

8-51 (7) a youth center, as defined by Section 481.134; or

8-52 (8) subject to Subsection (b), any other entity that
8-53 the executive commissioner by rule designates as an entity that
8-54 would benefit from the possession and administration of epinephrine
8-55 delivery devices ~~[auto-injectors]~~.

8-56 (c) An entity described by Subsection (a) may adopt a policy
8-57 regarding the maintenance, administration, and disposal of
8-58 epinephrine delivery devices ~~[auto-injectors]~~.

8-59 (d) A policy adopted under Subsection (c) must provide that
8-60 only an entity employee or volunteer who is authorized and trained
8-61 may administer an epinephrine delivery device ~~[auto-injector]~~ to a
8-62 person who is reasonably believed to be experiencing anaphylaxis on
8-63 the premises of the entity.

8-64 (e) The executive commissioner shall adopt rules regarding
8-65 the maintenance, administration, and disposal of an epinephrine
8-66 delivery device ~~[auto-injector]~~ by an entity subject to a policy
8-67 adopted under Subsection (c). The rules must establish:

8-68 (1) the number of epinephrine delivery devices
8-69 ~~[auto-injectors]~~ and the dosages of the epinephrine delivery

9-1 devices ~~[auto-injectors]~~ available at each entity;

9-2 (2) the process for each entity to verify the
9-3 inventory of epinephrine delivery devices ~~[auto-injectors]~~ at
9-4 regular intervals for expiration and replacement; and

9-5 (3) the amount of training required for an entity
9-6 employee or volunteer to administer an epinephrine delivery device
9-7 ~~[auto-injector]~~.

9-8 (f) Each entity that adopts a policy under Subsection (c)
9-9 must have at least one entity employee or volunteer authorized and
9-10 trained to administer an epinephrine delivery device
9-11 ~~[auto-injector]~~ present during all hours the entity is open to the
9-12 public or to the population that the entity serves, as applicable.

9-13 (g) The supply of epinephrine delivery devices
9-14 ~~[auto-injectors]~~ at each entity must:

9-15 (1) be stored in accordance with the manufacturer's
9-16 instructions in a secure location; and

9-17 (2) be easily accessible to an entity employee or
9-18 volunteer authorized and trained to administer an epinephrine
9-19 delivery device ~~[auto-injector]~~.

9-20 (h) Each entity that adopts a policy under Subsection (c) is
9-21 responsible for training the entity's employees and volunteers in
9-22 the administration of an epinephrine delivery device
9-23 ~~[auto-injector]~~.

9-24 (i) Employee and volunteer training under this section
9-25 must:

9-26 (1) include information on:

9-27 (A) the signs and symptoms of anaphylaxis;

9-28 (B) the recommended dosages for an adult and a
9-29 child;

9-30 (C) the administration of an epinephrine
9-31 delivery device ~~[auto-injector]~~;

9-32 (D) the implementation of emergency procedures,
9-33 if necessary, after administering an epinephrine delivery device
9-34 ~~[auto-injector]~~; and

9-35 (E) the proper disposal of used or expired
9-36 epinephrine delivery devices ~~[auto-injectors]~~; and

9-37 (2) be completed annually in a formal training session
9-38 or through online education.

9-39 (k) A physician or person who has been delegated
9-40 prescriptive authority under Chapter 157, Occupations Code, may
9-41 prescribe epinephrine delivery devices ~~[auto-injectors]~~ in the
9-42 name of an entity.

9-43 (l) A physician or other person who prescribes epinephrine
9-44 delivery devices ~~[auto-injectors]~~ under Subsection (k) shall
9-45 provide the entity with a standing order for the administration of
9-46 an epinephrine delivery device ~~[auto-injector]~~ to a person
9-47 reasonably believed to be experiencing anaphylaxis.

9-48 (m) The standing order under Subsection (l) is not required
9-49 to be patient-specific, and the epinephrine delivery device
9-50 ~~[auto-injector]~~ may be administered to a person without a
9-51 previously established physician-patient relationship.

9-52 (o) For purposes of Subsection (n)(2), a person who has been
9-53 delegated prescriptive authority under Chapter 157, Occupations
9-54 Code, is not engaged in the unauthorized practice of telemedicine
9-55 or acting outside the person's scope of practice by consulting a
9-56 physician as provided by that subdivision when prescribing an
9-57 epinephrine delivery device ~~[auto-injector]~~ in accordance with
9-58 this section.

9-59 (p) An order issued under this section must contain:

9-60 (1) the name and signature of the prescriber;

9-61 (2) the name of the entity to which the order is
9-62 issued;

9-63 (3) the quantity of epinephrine delivery devices
9-64 ~~[auto-injectors]~~ to be obtained and maintained under the order; and

9-65 (4) the date of issue.

9-66 (q) A pharmacist may dispense an epinephrine delivery
9-67 device ~~[auto-injector]~~ to an entity without requiring the name or
9-68 any other identifying information relating to the user.

9-69 (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 devices ~~[auto-injectors]~~;

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

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

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

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

(6) administering, or assisting in administering, an epinephrine delivery device ~~[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 ~~[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 DEVICES ~~[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 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.

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 devices ~~[auto-injectors]~~ in the name of a day-care center.

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

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

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

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

(4) the date the order was issued.

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

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

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

(1) include information on:

(A) recognizing the signs and symptoms of anaphylaxis;

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

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

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

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

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

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

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

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

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

(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 device ~~[auto-injector]~~ was administered;

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

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

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

(l) 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 device ~~[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 device ~~[auto-injector]~~ to a day-care center or the administration of an epinephrine delivery device ~~[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 devices ~~[auto-injectors]~~;

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

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

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

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

(6) administering, or assisting in administering, an epinephrine delivery device ~~[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.

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

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

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

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

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

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

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

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

(g) In this section:

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

(2) "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.

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

(2-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.

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

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

(b) A peace officer may possess and administer an epinephrine delivery device ~~[auto-injector]~~ only if the peace officer has successfully completed training in the use of the

device in a course approved by the commission.

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

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

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

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

(c) A standing order under Subsection (b) is not required to be patient-specific. An epinephrine delivery device ~~[auto-injector]~~ may be administered under this subchapter 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 law enforcement agency to which the order is issued;

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

(4) the date the order was issued.

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

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

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

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

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

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

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

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

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

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

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

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

(a) A person who in good faith takes, or fails to take, action relating to the prescription of an epinephrine delivery

14-1 device [~~auto-injector~~] to a law enforcement agency or the
14-2 administration of an epinephrine delivery device [~~auto-injector~~]
14-3 by a peace officer is immune from civil or criminal liability or
14-4 disciplinary action resulting from that action or failure to act,
14-5 including:

14-6 (1) issuing an order for epinephrine delivery devices
14-7 [~~auto-injectors~~];

14-8 (2) supervising or delegating the administration of an
14-9 epinephrine delivery device [~~auto-injector~~];

14-10 (3) possessing, maintaining, storing, or disposing of
14-11 an epinephrine delivery device [~~auto-injector~~];

14-12 (4) prescribing an epinephrine delivery device
14-13 [~~auto-injector~~];

14-14 (5) dispensing an epinephrine delivery device
14-15 [~~auto-injector~~];

14-16 (6) administering, or assisting in administering, an
14-17 epinephrine delivery device [~~auto-injector~~];

14-18 (7) providing, or assisting in providing, training,
14-19 consultation, or advice in the development, adoption, or
14-20 implementation of policies, guidelines, rules, or plans; or

14-21 (8) undertaking any other act permitted or required
14-22 under this subchapter.

14-23 SECTION 37. This Act takes effect immediately if it
14-24 receives a vote of two-thirds of all the members elected to each
14-25 house, as provided by Section 39, Article III, Texas Constitution.
14-26 If this Act does not receive the vote necessary for immediate
14-27 effect, this Act takes effect September 1, 2025.

14-28 * * * * *