

SENATE AMENDMENTS
2nd Printing

By: Vasut, et al.

H.B. No. 549

A BILL TO BE ENTITLED

AN ACT

relating to the availability and use of airway clearance devices at public school campuses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Westyn Bryan Mandrell Act.

SECTION 2. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0171 to read as follows:

Sec. 38.0171. AVAILABILITY OF AIRWAY CLEARANCE DEVICE. (a) In this section, "airway clearance device" means a noninvasive device capable of removing or assisting with the removal of a person's foreign-body airway obstruction.

(b) Except as provided by Subsection (c), each school district shall make available at each district campus at least one airway clearance device appropriate for use on the majority of students enrolled at the campus. In determining the location at which to store the device, the principal of the campus shall consider the primary location on campus where students consume food.

(c) A school district must comply with Subsection (b) with respect to a district campus only if the district may obtain an airway clearance device for the campus through:

(1) donation of the device in the original packaging;
or

1 (2) purchase or lease of the device using money
2 appropriated or donated to the district for that purpose.

3 (d) Each school district shall ensure the presence at each
4 location at which an airway clearance device required under
5 Subsection (b) is stored of at least one campus or district employee
6 trained in the proper use of the device at any time a substantial
7 number of students are present at the location.

8 (e) A school district shall ensure that each airway
9 clearance device is stored and used in accordance with the
10 manufacturer's specifications and any applicable law.

11 (f) This section does not:

12 (1) waive any immunity from liability of a school
13 district or the district's officers or employees;

14 (2) create any liability for or a cause of action
15 against a school district or the district's officers or employees;
16 or

17 (3) waive any immunity from liability under Section
18 74.151, Civil Practice and Remedies Code.

19 (g) A school district may solicit and accept gifts, grants,
20 or other donations to obtain airway clearance devices required
21 under this section.

22 SECTION 3. This Act applies beginning with the 2025-2026
23 school year.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 549

1 Act takes effect September 1, 2025.

ADOPTED

MAY 29 2025

Latey Law
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Neilson*

1 Amend H.B. 549 (senate committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter E, Chapter 38, Education Code, is
5 amended by adding Section 38.2115 to read as follows:

6 Sec. 38.2115. CONTRACTING FOR MEDICATION FOR RESPIRATORY
7 DISTRESS AND TRAINING. The board of trustees of a school district
8 or governing body of an open-enrollment charter school or private
9 school may contract with a vendor to provide:

10 (1) medication for respiratory distress and related
11 equipment to the district or school; and

12 (2) training to school personnel and school volunteers
13 authorized to administer medication for respiratory distress under
14 this subchapter.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 29, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB549 by Vasut (Relating to the availability and use of airway clearance devices at public school campuses.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, CMA, NC, JPE, SL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 22, 2025

TO: Honorable Brandon Creighton, Chair, Senate Committee on Education K-16

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB549 by Vasut (Relating to the availability and use of airway clearance devices at public school campuses.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency
LBB Staff: JMc, NC, JPE, SL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 6, 2025

TO: Honorable Brad Buckley, Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB549 by Vasut (Relating to the availability and use of airway clearance devices at public school campuses.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, JPE, SL