

House Bill 549
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 1. This Act may be cited as the Westyn Bryan Mandrell Act.	SECTION 1. Same as House version.	
SECTION 2. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0171 to read as follows: <u>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.</u> <u>(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.</u> <u>(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:</u> <u>(1) donation of the device in the original packaging; or</u> <u>(2) purchase or lease of the device using money appropriated or donated to the district for that purpose.</u> <u>(d) Each school district shall ensure the presence at each location at which an airway clearance device required under Subsection (b) is stored of at least one campus or district employee trained in the proper use of the device at any time a substantial number of students are present at the location.</u> <u>(e) A school district shall ensure that each airway clearance device is stored and used in accordance with the manufacturer's specifications and any applicable law.</u>	SECTION 2. Same as House version.	

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(f) This section does not:
(1) waive any immunity from liability of a school district or the district's officers or employees;
(2) create any liability for or a cause of action against a school district or the district's officers or employees; or
(3) waive any immunity from liability under Section 74.151, Civil Practice and Remedies Code.
(g) A school district may solicit and accept gifts, grants, or other donations to obtain airway clearance devices required under this section.

No equivalent provision.

SECTION __. Subchapter E, Chapter 38, Education Code, is amended by adding Section 38.2115 to read as follows:
Sec. 38.2115. CONTRACTING FOR MEDICATION FOR RESPIRATORY DISTRESS AND TRAINING. The board of trustees of a school district or governing body of an open-enrollment charter school or private school may contract with a vendor to provide:
(1) medication for respiratory distress and related equipment to the district or school; and
(2) training to school personnel and school volunteers authorized to administer medication for respiratory distress under this subchapter. [FA1]

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

SECTION 3. Same as House version.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

SECTION 4. Same as House version.