

BILL ANALYSIS

Senate Research Center
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S.B. 28
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill would encourage school districts to have non-student-specific epinephrine on hand without fear of liability issues. Each year, students experience life-threatening anaphylactic reactions at school not only to foods, but also to insect venom. While many students who have been previously diagnosed with life threatening allergies carry their own medication, some students do not know they are allergic until they have their first allergic reaction, which can be deadly.

While state law allows for districts to store non-student-specific epinephrine, statute does not include specific liability protection for school districts and employees. S.B. 28 provides explicit liability protection for public school districts and schools to store and administer non-student specific epinephrine in emergency situations.

As proposed, S.B. 28 amends current law relating to immunity from liability for public and open-enrollment charter school campuses that maintain a supply of anaphylaxis medicine for emergency use.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 38.0151, Education Code, to read as follows:

Sec. 38.0151 POLICIES FOR CARE OF CERTAIN STUDENTS AT RISK FOR ANAPHYLAXIS; MAINTENANCE OF ANAPHYLAXIS MEDICINE SUPPLY.

SECTION 2. Amends Section 38.0151, Education Code, by adding Subsection (b-1) and amending Subsection (d), as follows:

(b-1) Authorizes each school district and open-enrollment charter school to maintain at each campus a supply of anaphylaxis medicine that may be administered to a person on campus experiencing an anaphylactic reaction. Prohibits the medicine, for anaphylaxis medicine to satisfy this subsection, from having an expiration date that has passed.

(d) Provides that this section does not:

- (1) waive any immunity from liability of a governmental entity or its officers or employees, rather than waive any liability or immunity of a governmental entity or its officers or employees;
- (2) Makes a nonsubstantive change;
- (3) waive any immunity from liability under Section 74.151 (Liability for Emergency Care), Civil Practice and Remedies Code, including immunity from liability to which a school district, open-enrollment charter school, or district or

school employee is entitled under that section for an act associated with the administration of anaphylaxis medicine to a person on campus experiencing an anaphylactic reaction.

SECTION 3. Effective date: upon passage or September 1, 2015.