

## **BILL ANALYSIS**

Senate Research Center  
86R30612 GCB-D

C.S.H.B. 496  
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Education  
5/17/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The tragedy at Santa Fe High School in 2018 illustrated the importance of emergency preparedness in Texas schools. One aspect of emergency preparedness is ensuring that students or staff are trained to act to control bleeding during an active shooter scenario or other emergency, and that the proper equipment to control bleeding is available.

C.S.H.B. 496 meets both of these needs by making sure bleeding control kits are available on all campuses and that students and staff are trained in their use. The bill requires all districts to provide for bleeding control stations in easily accessible areas on campus, placed and stocked based on determinations made at the local level. It also requires annual training on the use of bleeding control kits for relevant staff members and students in seventh grade or above. By guaranteeing the presence and effectiveness of bleeding control kits, C.S.H.B 496 will help prevent loss of life in the event of an active shooter situation or other serious emergency.

C.S.H.B. 496 amends current law relating to traumatic injury response protocol and the use of bleeding control kits in public schools.

### **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 Subchapter A, Chapter 38, Education Code, by adding Section 38.030, as follows:

Sec. 38.030. TRAUMATIC INJURY RESPONSE PROTOCOL. (a) Requires a school district or open-enrollment charter school to develop and annually make available a protocol for employees and volunteers to follow in the event of a traumatic injury.

(b) Requires the protocol required under this section to provide for a school district or open-enrollment charter school to maintain and make available to school employees and volunteers a bleeding control kit for use in the event of a traumatic injury involving blood loss.

(c) Requires a bleeding control kit required under this section to be a first aid response kit that includes certain items.

(d) Authorizes a school district or open-enrollment charter school, in addition to the items listed under Subsection (1), to also include in a bleeding control kit any medical material or equipment that:

(1) may be readily stored in a bleeding control kit;

(2) may be used to adequately treat an injury involving traumatic blood loss; and

(3) is approved by local law enforcement or emergency medical services personnel.

(e) Provides that the good faith use of a bleeding control kit by a school district or open-enrollment charter school employee to control the bleeding of an injured person is incident to or within the scope of the duties of the employer's position of employment and involves the exercise of judgment or discretion on the part of the employee for the purposes of Section 22.0511 (Immunity From Liability), and a school district or open-enrollment charter school and the employees of the district or charter school are immune from civil liability, as provided by that section, from damages or injuries resulting from that good faith use of a bleeding control kit. Provides that a school district or open-enrollment charter school volunteer is immune from civil liability from damages or injuries resulting from the good faith use of a bleeding control kit to the same extent as a professional employee of the district or school, as provided by Section 22.053 (School District Volunteers).

(f) Provides that nothing in this section limits the immunity from liability of a school district, open-enrollment charter school, or district or school employee or volunteer under:

(1) Sections 22.0511 and 22.053;

(2) Section 101.051 (School and Junior College Districts Partially Excluded), Civil Practice and Remedies Code; or

(3) any other applicable law.

(g) Provides that this section does not create a cause of action against a school district or open-enrollment charter school or the employees or volunteers of the district or school.

SECTION 2. Requires each school district and open-enrollment charter school, as soon as practicable after the effective date of this Act, and not later than January 1, 2020, to develop and implement the bleeding control station program required by Section 38.30, Education Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2019.