

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1827
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When people experience an allergic reaction, epinephrine is a common drug that helps combat the symptoms. If the allergies are severe enough, many families keep their own EpiPens on hand. These EpiPens are used to reverse the effects of allergic reactions or anaphylaxis from bee stings, drug reactions, food allergies, or other induced shock.

Often during emergencies, police officers are the first to the scene when someone calls 911 due to a life-threatening allergic reaction. Under current statute, peace officers in Texas are not allowed to administer epinephrine to individuals who are in an emergency situation. Peace officers in rural communities are typically the first responders on scene, and upon discovering a situation where an individual is suffering from an allergic reaction, are unable to administer epinephrine to the individual.

S.B. 1827 will allow for peace officers to administer an epinephrine auto-injector to an individual who is in an emergency situation. This bill does not mandate officers to have epinephrine training, nor require police departments to provide epinephrine or the required training to its officers. This bill allows for peace officers who have successfully completed training, as per Department of State Health Services guidelines, to administer the epinephrine auto-injector in the case of an emergency. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1827 amends current law relating to the possession and emergency administration of an epinephrine auto-injector by law enforcement agencies and peace officers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Law Enforcement in SECTION 1 (Sections 1701.705 and 1701.706, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1701, Occupations Code, by adding Subchapter O, as follows:

SUBCHAPTER O. EMERGENCY ADMINISTRATION OF EPINEPHRINE

Sec. 1701.701. DEFINITION. Defines "anaphylaxis," "epinephrine auto-injector," and "physician" for purposes of this subchapter.

Sec. 1701.702. ADMINISTRATION OF EPINEPHRINE. (a) Authorizes a law enforcement agency to acquire and possess epinephrine auto-injectors and a peace officer to possess and administer an epinephrine auto-injector in accordance with this subchapter.

(b) Requires the Texas Commission on Law Enforcement (TCOLE), in consultation with the Department of State Health Services (DSHS), to approve a training course on the administration of an epinephrine auto-injector device.

Sec. 1701.703. PRESCRIPTION OF EPINEPHRINE. (a) Authorizes a physician, or a person who has been delegated prescriptive authority under Chapter 157 (Authority of

Physician to Delegate Certain Medical Acts), Occupations Code, to prescribe epinephrine auto-injectors in the name of a law enforcement agency.

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

(c) Provides that a standing order under Subsection (b) is not required to be patient-specific. Authorizes an epinephrine auto-injector to be administered under this subchapter to a person without a previously established physician-patient relationship.

(d) Provides that, notwithstanding any other law, supervision or delegation by a physician is considered adequate if the physician:

(1) periodically reviews the order; and

(2) is available through direct telecommunication as needed for consultation, assistance, and direction.

(e) Requires an order issued under this section to 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 auto-injectors to be obtained and maintained under the order; and

(4) the date the order was issued.

(f) Authorizes a pharmacist to dispense an epinephrine auto-injector to a law enforcement agency without requiring the name of or any other identifying information related to the user.

Sec. 1701.704. REPORT ON ADMINISTERING EPINEPHRINE AUTO-INJECTOR. Requires TCOLE, in consultation with DSHS, to develop reporting requirements concerning a peace officer's administration of an epinephrine auto-injector to a person under this subchapter.

Sec. 1701.705. NOT PRACTICE OF HEALTH CARE. Provides that the administration by a peace officer of an epinephrine auto-injector to a person in accordance with the requirements of this subchapter or TCOLE rules does not constitute the unlawful practice of any health care profession.

Sec. 1701.706. IMMUNITY FROM LIABILITY. (a) Provides that a person who in good faith takes, or fails to take, action relating to the prescription of an epinephrine auto-injector to a law enforcement agency or the administration of an epinephrine auto-injector by a peace officer 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 auto-injectors;

(2) supervising or delegating the administration of an epinephrine auto-injector;

(3) possessing, maintaining, storing, or disposing of an epinephrine auto-injector;

- (4) prescribing an epinephrine auto-injector;
- (5) dispensing an epinephrine auto-injector;
- (6) administering, or assisting in administering, an epinephrine 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 subchapter.

(b) Provides that the immunities and protections provided by this subchapter are in addition to other immunities or limitations of liability provided by law.

(c) Provides that, notwithstanding any other law, this subchapter does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action for an act or omission under this subchapter.

(d) Provides that an act or omission described by this subchapter does not create a cause of action.

Sec.1701.707. GOVERNMENTAL IMMUNITY NOT WAIVED. Provides that this subchapter does not waive governmental immunity from suit or liability.

SECTION 2. Requires TCOLE, as soon as practicable after the effective date of this Act, to approve a training course consistent with Section 1701.702, Occupations Code, as added by this Act, and develop reporting requirements consistent with Section 1701.704, Occupations Code, as added by this Act.

SECTION 3. Effective date: September 1, 2019.