

AN ACT

relating to the possession and self-administration of prescription asthma medicine by public school students while on school property or at a school-related event or activity.

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

SECTION 1. Chapter 38, Education Code, is amended by adding Section 38.013 to read as follows:

Sec. 38.013. SELF-ADMINISTRATION OF PRESCRIPTION ASTHMA MEDICINE BY STUDENTS.

(a) In this section:

(1) "Parent" includes a person standing in parental relation.

(2) "Self-administration of prescription asthma medicine" means a student's discretionary use of prescription asthma medicine.

(b) A student with asthma is entitled to possess and self-administer prescription asthma medicine while on school property or at a school-related event or activity if:

(1) the prescription asthma medicine has been prescribed for that student as indicated by the prescription label on the medicine;

(2) the self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and

(3) a parent of the student provides to the school:

(A) a written authorization, signed by the parent, for the student to self-administer prescription asthma medicine while on school property or at a school-related event or activity; and

(B) a written statement from the student's physician or other licensed health care provider, signed by the physician or provider, that states:

(i) that the student has asthma and is capable of self-administering the prescription asthma medicine;

(ii) the name and purpose of the medicine;

(iii) the prescribed dosage for the medicine;

(iv) the times at which or circumstances under which the medicine may be administered; and

(v) the period for which the medicine is prescribed.

(c) The physician's statement must be kept on file in the office of the school nurse of the school the student attends or, if there is not a school nurse, in the office of the principal of the school the student attends.

(d) This section does not:

(1) waive any liability or immunity of a governmental unit or its officers or employees; or

(2) create any liability for or a cause of action against a governmental unit or its officers or employees.

(e) The commissioner may adopt rules and prescribe forms to assist in the implementation of this section.

SECTION 2. This Act applies beginning with the 2001-2002 school year.

SECTION 3. 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, 2001.

President of the Senate

Speaker of the House

I certify that H.B. No. 1688 was passed by the House on April 23, 2001, by the following vote: Yeas 145,
Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1688 was passed by the Senate on May 17, 2001, by the following vote: Yeas 30,
Nays 0, 1 present, not voting.

Secretary of the Senate

APPROVED: _____

Date

Governor