

# Educ. Code Section 38.015

## Self-administration of Prescription Asthma or Anaphylaxis Medicine by Students

(a)

In this section:

(1)

"Parent" includes a person standing in parental relation.

(2)

"Self-administration of prescription asthma or anaphylaxis medicine" means a student's discretionary use of prescription asthma or anaphylaxis medicine.

(b)

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

(1)

the prescription medicine has been prescribed for that student as indicated by the prescription label on the medicine;

(2)

the student has demonstrated to the student's physician or other licensed health care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;

(3)

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**

(4)

a parent of the student provides to the school:

- (A) a written authorization, signed by the parent, for the student to self-administer the prescription 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 or anaphylaxis and is capable of self-administering the prescription 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. Added by Acts 2001, 77th Leg., ch. 511, Sec. 1, eff. June 11, 2001. Renumbered from Education Code Sec. 38.013 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(19), eff. Sept. 1, 2003. Amended by: Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. [1](#)), Sec. 10.01, eff. May 31, 2006. Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. [1](#)), Sec. 10.02, eff. May 31, 2006.
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Source: Section 38.015 — Self-administration of Prescription Asthma or Anaphylaxis Medicine by Students, <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.38.htm#38.015> (accessed Jun. 5, 2024).