

- SUBJECT:** Authorizing epinephrine auto-injectors at institutions of higher education
- COMMITTEE:** Higher Education — committee substitute recommended
- VOTE:** 7 ayes — Lozano, Raney, Alonzo, Alvarado, Button, Howard, Turner
0 nays
2 absent — Clardy, Morrison
- WITNESSES:** For — Susan Tharp, San Antonio Food Allergy Support Team; *(Registered, but did not testify:; Paul Townsend, Children's Hospital Association of Texas; Tom Banning, Texas Academy of Family Physicians; Dustin Meador, Texas Association of Community Colleges; Troy Alexander, Texas Medical Association; Yannis Banks, Texas NAACP; Andrew Cates, Texas Nurses Association; Clayton Travis, Texas Pediatric Society; Dwight Harris, Texas AFT, Rebecca Tharp; Belinda Vadca)*
Against — *(Registered, but did not testify: Adam Cahn, Cahnman's Musings)*
On — *(Registered, but did not testify: David Auzenne, Department of State Health Services; Rex Peebles, Texas Higher Education Coordinating Board)*
- BACKGROUND:** Certain parties suggest that teenagers and young adults with food allergies are at the highest risk for food-induced anaphylaxis and could benefit from the availability of epinephrine auto-injectors.
- DIGEST:** CSHB 3851 would authorize institutions of higher education to adopt and implement a policy for the maintenance, storage, administration, and disposal of epinephrine auto-injectors on campuses. The policy would require that personnel or volunteers who were authorized and trained be allowed to administer an epinephrine auto-injector to a person who was believed to be experiencing anaphylaxis on campus. The policy could

allow for those personnel and volunteers to perform the same service for a person in shock at an off-campus event or while in transit to an off-campus event sponsored by the institution.

After consulting with an advisory committee on the administration of epinephrine auto-injectors, the commissioner of state health services would be required to adopt rules on their maintenance, storage, administration, and disposal to include:

- the number of epinephrine auto-injectors available at each campus;
- the process to check the inventory of epinephrine auto-injectors for expiration and replacement; and
- the amount of training required for personnel or volunteers to administer an epinephrine auto-injector.

The supply of epinephrine auto-injectors on campus would have to be stored in a secure location and accessible to authorized and trained personnel or volunteers. The bill also would require an institution to issue a report within 10 days of the administration of an epinephrine auto-injector to the physician who prescribed the epinephrine auto-injector and the commissioner of state health services. The report would be required to include:

- the age of the person who was administered the epinephrine;
- whether the person who received the epinephrine shot was a student, a personnel member, or a visitor;
- the physical location where the epinephrine auto-injector was administered;
- the number of doses of epinephrine auto-injector administered;
- the title of the person who administered the epinephrine auto-injector; and
- any other information required by the commissioner of state health services.

The bill would require institutions that adopted a policy on administering an epinephrine auto-injector have personnel or volunteers who were

authorized and trained for that purpose. Institutions would have to provide annual training in a formal session or through online education on:

- recognizing the signs and symptoms of anaphylaxis;
- administering an epinephrine auto-injector;
- implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and
- properly disposing of used or expired epinephrine auto-injectors.

CSHB 3851 would authorize a physician to prescribe epinephrine auto-injectors in the name of the institution and provide a standing order to administer the epinephrine auto-injectors that was not patient-specific and not covered by an established physician-patient relationship. The bill would authorize a pharmacist to dispense epinephrine auto-injectors without requiring information about the user.

Under the bill, an institution could accept gifts, grants, donations, and federal funds for the maintenance, storage, administration, and disposal of epinephrine auto-injectors on campus.

CSHB 3851 also would provide immunity from civil or criminal liability or disciplinary action for a person who in good faith acted or failed to act under the bill's provisions.

The commissioner of state health services would be required to adopt rules for the implementation of the provisions contained in the bill.

The bill would take effect September 1, 2017, and would apply beginning in the 2018 spring semester.

NOTES:

A companion bill, CSSB 1367 by Menéndez, was approved by the Senate on May 1 and by the House Higher Education Committee on May 8.