

BILL ANALYSIS

Senate Research Center
79R10651 PAM-D

C.S.S.B. 221
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Education
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law allows students to carry and use asthma inhalers but not anaphylaxis medication to treat allergic reactions. Anaphylaxis medication is medication for severe allergic reactions, which cause the suffering and death of schoolchildren each year. Approximately 100 Americans, usually children, die annually from food-induced allergic reactions. People also die every year from allergic reactions to latex and insect stings. In October, President Bush signed HR 2023, the Asthmatic Schoolchildren's Treatment and Health Management Act of 2004. This federal legislation gives funding preference to states that protect students' rights to carry and self-administer life saving asthma and/or anaphylaxis medication at school.

C.S.S.B. 221 allows a student to self-administer prescription anaphylaxis medicine and asthma medicine. The permission pertains to times when a student is on school property or at a school-related event. The permission extends only to self-administration of the medication in compliance with the student's prescription. This legislation also requires the student's parents to provide the school with parental authorization for the student to self-administer the medication; and a signed statement by a physician or other licensed health care provider including a statement that the student has asthma or anaphylaxis; a statement that the student is capable of self-administering the prescribed medicine; the name, purpose, dosage, instructions for administration; and the period for which the medicine is prescribed.

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 the heading to Section 38.015, Education Code, to read as follows:

Sec. 38.015. SELF-ADMINISTRATION OF PRESCRIPTION ASTHMA OR ANAPHYLAXIS MEDICINE BY STUDENTS.

SECTION 2. Amends Sections 38.015(a) and (b), Education Code, as follows:

(a) Redefines "self-administration of prescription asthma or anaphylaxis medicine"

(b) Provides that 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 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. Redesignates Subdivisions (2) and (3) as Subdivisions (3) and (4). Makes conforming changes.

SECTION 3. Effective date: upon passage or September 1, 2005.