

1-1 By: Menéndez S.B. No. 1827
1-2 (In the Senate - Filed March 7, 2019; March 18, 2019, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 8, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1827 By: Nelson

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the possession and emergency administration of an
1-22 epinephrine auto-injector by law enforcement agencies and peace
1-23 officers.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 1701, Occupations Code, is amended by
1-26 adding Subchapter O to read as follows:

1-27 SUBCHAPTER O. EMERGENCY ADMINISTRATION OF EPINEPHRINE

1-28 Sec. 1701.701. DEFINITIONS. In this subchapter:

1-29 (1) "Anaphylaxis" means a sudden, severe, and
1-30 potentially life-threatening allergic reaction that occurs when a
1-31 person is exposed to an allergen.

1-32 (2) "Epinephrine auto-injector" means a disposable
1-33 medical drug delivery device that contains a premeasured single
1-34 dose of epinephrine intended for use to treat anaphylaxis.

1-35 (3) "Physician" means a person who holds a license to
1-36 practice medicine in this state.

1-37 Sec. 1701.702. ADMINISTRATION OF EPINEPHRINE. (a) A law
1-38 enforcement agency may acquire and possess epinephrine
1-39 auto-injectors and a peace officer may possess and administer an
1-40 epinephrine auto-injector in accordance with this subchapter.

1-41 (b) The commission, in consultation with the Department of
1-42 State Health Services, shall approve a training course on the
1-43 administration of an epinephrine auto-injector.

1-44 Sec. 1701.703. PRESCRIPTION OF EPINEPHRINE. (a) A
1-45 physician, or a person who has been delegated prescriptive
1-46 authority under Chapter 157, Occupations Code, may prescribe
1-47 epinephrine auto-injectors in the name of a law enforcement agency.

1-48 (b) A physician or other person who prescribes epinephrine
1-49 auto-injectors under Subsection (a) shall provide the law
1-50 enforcement agency with a standing order for the administration of
1-51 an epinephrine auto-injector to a person reasonably believed to be
1-52 experiencing anaphylaxis.

1-53 (c) A standing order under Subsection (b) is not required to
1-54 be patient-specific. An epinephrine auto-injector may be
1-55 administered under this subchapter to a person without a previously
1-56 established physician-patient relationship.

1-57 (d) Notwithstanding any other law, supervision or
1-58 delegation by a physician is considered adequate if the physician:

1-59 (1) periodically reviews the order; and

1-60 (2) is available through direct telecommunication as

2-1 needed for consultation, assistance, and direction.

2-2 (e) An order issued under this section must contain:

2-3 (1) the name and signature of the prescribing
2-4 physician or other person;

2-5 (2) the name of the law enforcement agency to which the
2-6 order is issued;

2-7 (3) the quantity of epinephrine auto-injectors to be
2-8 obtained and maintained under the order; and

2-9 (4) the date the order was issued.

2-10 (f) A pharmacist may dispense an epinephrine auto-injector
2-11 to a law enforcement agency without requiring the name of or any
2-12 other identifying information relating to the user.

2-13 Sec. 1701.704. REPORT ON ADMINISTERING EPINEPHRINE
2-14 AUTO-INJECTOR. The commission, in consultation with the Department
2-15 of State Health Services, shall develop reporting requirements
2-16 concerning a peace officer's administration of an epinephrine
2-17 auto-injector to a person under this subchapter.

2-18 Sec. 1701.705. NOT PRACTICE OF HEALTH CARE. The
2-19 administration by a peace officer of an epinephrine auto-injector
2-20 to a person in accordance with the requirements of this subchapter
2-21 or commission rules does not constitute the unlawful practice of
2-22 any health care profession.

2-23 Sec. 1701.706. IMMUNITY FROM LIABILITY. (a) A person who
2-24 in good faith takes, or fails to take, action relating to the
2-25 prescription of an epinephrine auto-injector to a law enforcement
2-26 agency or the administration of an epinephrine auto-injector by a
2-27 peace officer is immune from civil or criminal liability or
2-28 disciplinary action resulting from that action or failure to act,
2-29 including:

2-30 (1) issuing an order for epinephrine auto-injectors;

2-31 (2) supervising or delegating the administration of an
2-32 epinephrine auto-injector;

2-33 (3) possessing, maintaining, storing, or disposing of
2-34 an epinephrine auto-injector;

2-35 (4) prescribing an epinephrine auto-injector;

2-36 (5) dispensing an epinephrine auto-injector;

2-37 (6) administering, or assisting in administering, an
2-38 epinephrine auto-injector;

2-39 (7) providing, or assisting in providing, training,
2-40 consultation, or advice in the development, adoption, or
2-41 implementation of policies, guidelines, rules, or plans; or

2-42 (8) undertaking any other act permitted or required
2-43 under this subchapter.

2-44 (b) The immunities and protections provided by this
2-45 subchapter are in addition to other immunities or limitations of
2-46 liability provided by law.

2-47 (c) Notwithstanding any other law, this subchapter does not
2-48 create a civil, criminal, or administrative cause of action or
2-49 liability or create a standard of care, obligation, or duty that
2-50 provides a basis for a cause of action for an act or omission under
2-51 this subchapter.

2-52 (d) An act or omission described by this subchapter does not
2-53 create a cause of action.

2-54 Sec. 1701.707. GOVERNMENTAL IMMUNITY NOT WAIVED. This
2-55 subchapter does not waive governmental immunity from suit or
2-56 liability.

2-57 SECTION 2. As soon as practicable after the effective date
2-58 of this Act, the Texas Commission on Law Enforcement shall approve a
2-59 training course consistent with Section 1701.702, Occupations
2-60 Code, as added by this Act, and develop reporting requirements
2-61 consistent with Section 1701.704, Occupations Code, as added by
2-62 this Act.

2-63 SECTION 3. This Act takes effect September 1, 2019.

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