

1-1 By: Klick (Senate Sponsor - Powell) H.B. No. 3819
 1-2 (In the Senate - Received from the House May 12, 2021;
 1-3 May 12, 2021, read first time and referred to Committee on
 1-4 Education; May 24, 2021, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 24, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio			X	
1-10 Bettencourt	X			
1-11 Hall	X			
1-12 Hughes	X			
1-13 Menéndez	X			
1-14 Paxton	X			
1-15 Perry	X			
1-16 Powell	X			
1-17 Schwertner	X			
1-18 West			X	

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 3819 By: Powell

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to a public school district policy providing that a school
 1-24 nurse may administer prescription asthma medicine to a student.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 38.208, Education Code, is amended by
 1-27 amending Subsection (b-1) and adding Subsections (b-2) and (b-3) to
 1-28 read as follows:

1-29 (b-1) If a policy is adopted under Subsection (a-1), the
 1-30 policy must provide that the school nurse may administer
 1-31 prescription asthma medicine to a student only if the student has a
 1-32 clinical presentation of asthma with signs and symptoms which may
 1-33 include respiratory distress, dyspnea, labored breathing, audible
 1-34 wheezing, tightness of chest, or a persistent cough and the school
 1-35 [nurse] has [written] notification from a parent or guardian of the
 1-36 student that [the student has been diagnosed as having asthma and
 1-37 stating that] the school nurse may administer prescription asthma
 1-38 medicine if [to] the student experiences respiratory distress. A
 1-39 school nurse may administer the prescription asthma medicine only
 1-40 at a school campus.

1-41 (b-2) If prescription asthma medication is administered to
 1-42 a student whose parent or guardian has not provided notification to
 1-43 the school that the student has been diagnosed with asthma, the
 1-44 school nurse must refer the student to the student's primary care
 1-45 provider on the day medication is administered to the student. The
 1-46 school nurse shall provide notification to the student's parent or
 1-47 guardian regarding the referral. The referral must include:

1-48 (1) notification of the student's physical assessment;

1-49 (2) the name of the medication administered to the
 1-50 student; and

1-51 (3) patient care instructions given to the student.

1-52 (b-3) If a student who has received asthma medication does
 1-53 not have a primary care provider or the parent or guardian of the
 1-54 student has not engaged a primary care provider for the student, the
 1-55 student's parent or guardian must receive information to assist the
 1-56 parent or guardian in selecting a primary care provider for the
 1-57 student.

1-58 SECTION 2. This Act takes effect immediately if it receives
 1-59 a vote of two-thirds of all the members elected to each house, as
 1-60 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this
2-2 Act takes effect September 1, 2021.

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