

BILL ANALYSIS

Senate Research Center

H.B. 1688
By: McClendon (Moncrief)
Education
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Engrossed

DIGEST AND PURPOSE

According to the American Lung Association of Texas, more than one million Texans suffer from asthma, and one-third of them are children. Asthma is the leading cause of chronic illness and school absenteeism in children and teens. Each year, children with asthma miss twice as many school days as children without asthma. Asthma medication and disease management techniques have advanced to the point that acute asthma episodes may be reduced if properly used. One effective technique to control an asthma attack is the use of prescription medication administered with a hand-held inhaler. Public school policies may require such medication to be stored with the school principal or the school nurse, which can result in a significant delay between the time a student feels the onset of an asthma attack and the time the medication is administered, increasing the risk of the student having to go to the emergency room. H.B. 1688 entitles a student with asthma to possess and self-administer prescription asthma medication while on school property or at a school-related event.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 38.013, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 38, Education Code, by adding Section 38.013, as follows:

Sec. 38.013. SELF-ADMINISTRATION OF PRESCRIPTION ASTHMA MEDICINE BY STUDENTS. (a) Defines “parent” and “self-administration of prescription asthma medicine.”

(b) Entitles a student with asthma to possess and self-administer prescription asthma medicine while on school property or at a school-related event or activity under certain conditions.

(c) Requires the physician's statement to 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) Provides that this section does not waive any liability or immunity of a governmental unit or its officers or employees or create any liability for or a cause of action against a governmental unit or its officers or employees.

(e) Authorizes the commissioner of education to adopt rules and prescribe forms to assist in the implementation of this section.

SECTION 2. Provided that this Act applies beginning with the 2001-2002 school year.

SECTION 3. Effective date: upon passage or September 1, 2001.