

BILL ANALYSIS

Senate Research Center
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S.B. 1827
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When people experience an allergic reaction, epinephrine is a common drug that helps combat the symptoms. If the allergies are severe enough, many families keep their own EpiPens on hand. These EpiPens are used to reverse the effects of allergic reactions or anaphylaxis from bee stings, drug reactions, food allergies, or other induced shock.

Often during emergencies, police officers are the first to the scene when someone calls 911 due to a life-threatening allergic reaction. Under current statute, peace officers in Texas are not allowed to administer epinephrine to individuals who are in an emergency situation. Peace officers in rural communities are typically the first responders on scene, and upon discovering a situation where an individual is suffering from an allergic reaction, are unable to administer epinephrine to the individual.

S.B. 1827 will allow for peace officers to administer an epinephrine auto-injector to an individual who is in an emergency situation. This bill does not mandate officers to have epinephrine training, nor require police departments to provide epinephrine or the required training to its officers. This bill allows for peace officers who have successfully completed training, as per Department of State Health Services guidelines, to administer the epinephrine auto-injector in the case of an emergency.

As proposed, S.B. 1827 amends current law relating to the emergency administration of an epinephrine auto-injector by peace officers.

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 Chapter 1701, Occupations Code, by adding Subchapter O, as follows:

SUBCHAPTER O. EMERGENCY ADMINISTRATION OF EPINEPHRINE

Sec. 1701.701. DEFINITION. Defines "epinephrine auto-injector" for purposes of this subchapter.

Sec. 1701.702. ADMINISTRATION OF EPINEPHRINE. (a) Authorizes a peace officer to possess and administer an epinephrine auto-injector in accordance with this subchapter.

(b) Authorizes a peace officer to possess and administer epinephrine through an auto-injector device to a person in an emergency situation only if the peace officer has successfully completed training in the use of the device in a course approved by the Texas Commission on Law Enforcement (TCOLE). Requires TCOLE, in consultation with the Department of State Health Services, to approve a training course on the administration of epinephrine through an auto-injector device.

Sec. 1701.703. NOT PRACTICE OF HEALTH CARE. Provides that the administration by a peace officer of epinephrine through an auto-injector device to a person in accordance with the requirements of this subchapter does not constitute the unlawful practice of any health care profession.

Sec. 1701.704. NO CAUSE OF ACTION. Provides that, notwithstanding any other law, this subchapter does not create a civil, criminal, or administrative cause of action or liability to create a standard of care, obligation, or duty that provides a basis for a cause of action for an act or omission under this subchapter.

Sec.1701.705. GOVERNMENTAL IMMUNITY NOT WAIVED. Provides that this subchapter does not waive governmental immunity from suit or liability.

SECTION 2. Requires TCOLE, as soon as practicable after the effective date of this Act, to approve a training course consistent with Section 1701.702, Occupations Code, as added by this Act.

SECTION 3. Effective date: September 1, 2019.