

AN ACT

relating to traumatic injury response protocol and the use of bleeding control stations in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.030 to read as follows:

Sec. 38.030. TRAUMATIC INJURY RESPONSE PROTOCOL. (a) Each school district and open-enrollment charter school shall develop and annually make available a protocol for school employees and volunteers to follow in the event of a traumatic injury.

(b) The protocol required under this section must:

(1) provide for a school district or open-enrollment charter school to maintain and make available to school employees and volunteers bleeding control stations, as described by Subsection (d), for use in the event of a traumatic injury involving blood loss;

(2) ensure that bleeding control stations are stored in easily accessible areas of the campus that are selected by the district's school safety and security committee or the charter school's governing body;

(3) require that agency-approved training on the use of a bleeding control station in the event of an injury to another person be provided to:

(A) each school district peace officer commissioned under Section 37.081 or school security personnel employed under that section who provides security services at the campus;

(B) each school resource officer who provides law enforcement at the campus; and

(C) all other district or school personnel who may be reasonably expected to use a bleeding control station; and

(4) require the district or charter school to annually offer instruction on the use of a bleeding control station from a school resource officer or other appropriate district or school personnel who has received the training under Subdivision (3) to students enrolled at the campus in grade seven or higher.

(c) A district's school safety and security committee or the charter school's governing body may select, as easily accessible areas of the campus at which bleeding control stations may be stored, areas of the campus where automated external defibrillators are stored.

(d) A bleeding control station required under this section must contain all of the following required supplies in quantities determined appropriate by the superintendent of the district or the director of the school:

(1) tourniquets approved for use in battlefield trauma care by the armed forces of the United States;

(2) chest seals;

(3) compression bandages;

(4) bleeding control bandages;

(5) space emergency blankets;

(6) latex-free gloves;

(7) markers;

(8) scissors; and

(9) instructional documents developed by the American College of Surgeons or the United States Department of Homeland Security detailing methods to prevent blood loss following a

traumatic event.

(e) In addition to the items listed under Subsection (d), a school district or open-enrollment charter school may also include in a bleeding control station any medical material or equipment that:

(1) may be readily stored in a bleeding control station;

(2) may be used to adequately treat an injury involving traumatic blood loss; and

(3) is approved by local law enforcement or emergency medical services personnel.

(f) To satisfy the training requirement of Subsection (b)(3), the agency may approve a course of instruction that has been developed or endorsed by:

(1) the American College of Surgeons or a similar organization; or

(2) the emergency medicine department of a health-related institution of higher education or a hospital.

(g) The course of instruction for training described under Subsection (f) may not be provided as an online course. The course of instruction must use nationally recognized, evidence-based guidelines for bleeding control and must incorporate instruction on the psychomotor skills necessary to use a bleeding control station in the event of an injury to another person, including instruction on proper chest seal placement.

(h) The course of instruction described under Subsection (f) may be provided by emergency medical technicians, paramedics, law enforcement officers, firefighters, representatives of the organization or institution that developed or endorsed the training, educators, other public school employees, or other similarly qualified individuals. A course of instruction described under Subsection (f) is not required to provide for certification in bleeding control. If the course of instruction does provide for certification in bleeding control, the instructor must be authorized to provide the instruction for the purpose of certification by the organization or institution that developed or endorsed the course of instruction.

(i) The good faith use of a bleeding control station by a school district or open-enrollment charter school employee to control the bleeding of an injured person is incident to or within the scope of the duties of the employee's position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Section 22.0511, and a school district or open-enrollment charter school and the employees of the district or school are immune from civil liability, as provided by that section, from damages or injuries resulting from that good faith use of a bleeding control station. A school district or open-enrollment charter school volunteer is immune from civil liability from damages or injuries resulting from the good faith use of a bleeding control station to the same extent as a professional employee of the district or school, as provided by Section 22.053.

(j) Nothing in this section limits the immunity from liability of a school district, open-enrollment charter school, or district or school employee or volunteer under:

(1) Sections 22.0511 and 22.053;

(2) Section 101.051, Civil Practice and Remedies Code;

or

(3) any other applicable law.

(k) This section does not create a cause of action against a school district or open-enrollment charter school or the employees or volunteers of the district or school.

SECTION 2. (a) Not later than October 1, 2019, the Texas

Education Agency shall approve a course of instruction on the use of a bleeding control station that is appropriate to satisfy the requirement under Section 38.030, Education Code, as added by this Act.

(b) As soon as practicable after the effective date of this Act, and not later than January 1, 2020, each school district and open-enrollment charter school shall develop and implement the traumatic injury response protocol required by Section 38.030, Education Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 496 was passed by the House on May 10, 2019, by the following vote: Yeas 91, Nays 34, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 496 on May 23, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 496 on May 26, 2019, by the following vote: Yeas 124, Nays 21, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 496 was passed by the Senate, with amendments, on May 21, 2019, by the following vote: Yeas 23, Nays 8; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 496 on May 26, 2019, by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

APPROVED: _____
Date

Governor