

By: Orr, Oliverson, Lalani, Howard,
VanDeaver, et al.

H.B. No. 3749

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the provision of elective intravenous
therapy.

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

SECTION 1. This Act shall be known as Jenifer's Law.

SECTION 2. Subtitle B, Title 3, Occupations Code, is
amended by adding Chapter 172 to read as follows:

CHAPTER 172. PROVISION OF ELECTIVE INTRAVENOUS THERAPY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 172.001. DEFINITIONS. In this chapter:

(1) "Advanced practice registered nurse" has the
meaning assigned by Section 301.152.

(2) "Elective intravenous therapy" means a procedure:
(A) to administer fluids, nutrients,
medications, or blood directly into a patient's bloodstream through
a vein;

(B) that is sought by the patient to alleviate
symptoms of temporary discomfort or improve temporary wellness; and

(C) that is not administered in:
(i) a physician's office;
(ii) a health facility licensed under
Subtitle B, Title 4, Health and Safety Code;
(iii) a mental hospital licensed under
Chapter 577, Health and Safety Code; or

1 (iv) a hospital maintained or operated by
2 this state.

3 (3) "Physician assistant" means a person who holds a
4 license issued under Chapter 204.

5 (4) "Registered nurse" means a person licensed by the
6 Texas Board of Nursing to practice professional nursing.

7 SUBCHAPTER B. ELECTIVE INTRAVENOUS THERAPY

8 Sec. 172.051. DELEGATION OF PRESCRIBING OR ORDERING
9 ELECTIVE INTRAVENOUS THERAPY. (a) A physician may delegate the act
10 of prescribing or ordering elective intravenous therapy to:

11 (1) a physician assistant acting under adequate
12 physician supervision; or

13 (2) an advanced practice registered nurse acting under
14 adequate physician supervision.

15 (b) A physician may delegate the act of administering
16 elective intravenous therapy to:

17 (1) a physician assistant acting under adequate
18 physician supervision;

19 (2) an advanced practice registered nurse acting under
20 adequate physician supervision; or

21 (3) a registered nurse acting under adequate physician
22 supervision.

23 (c) A physician's authority to delegate the act of
24 prescribing or ordering elective intravenous therapy is subject to
25 Subchapter B, Chapter 157.

26 (d) A prescriptive authority agreement relating to elective
27 intravenous therapy is included in the maximum number of

1 prescriptive authority agreements authorized under Section
2 157.0512(c). The exception provided in Section 157.0512(d) does
3 not apply to a prescriptive authority agreement relating to
4 elective intravenous therapy.

5 SECTION 3. The changes in law made by this Act apply to the
6 performance of a medical act on or after the effective date of this
7 Act under a physician's delegation, regardless of:

- 8 (1) the manner in which the delegation is made; and
9 (2) whether the delegation is made before, on, or
10 after the effective date of this Act.

11 SECTION 4. This Act takes effect September 1, 2025.