

By: Sparks

S.B. No. 398

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the delegation to a pharmacy technician of a
3 pharmacist's authority to administer an immunization or vaccine.

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

5 SECTION 1. Section 554.004(a), Occupations Code, is amended
6 to read as follows:

7 (a) The board shall specify conditions under which a
8 pharmacist may administer medication, including an immunization
9 and vaccination. The conditions must ensure that:

10 (1) a licensed health care provider authorized to
11 administer the medication is not reasonably available to administer
12 the medication;

13 (2) failure to administer the medication, other than
14 an immunization or vaccination, might result in a significant delay
15 or interruption of a critical phase of drug therapy;

16 (3) the pharmacist possesses the necessary skill,
17 education, and certification as specified by the board to
18 administer the medication;

19 (4) within a reasonable time after administering
20 medication, the pharmacist notifies the licensed health care
21 provider responsible for the patient's care that the medication was
22 administered;

23 (5) the pharmacist may not administer medication to a
24 patient at the patient's residence, except at a licensed nursing

1 home or hospital;

2 (6) the pharmacist administers an immunization or
3 vaccination under a physician's written protocol and meets the
4 standards established by the board; and

5 (7) the authority of a pharmacist to administer an
6 immunization or vaccination [~~medication~~] may [~~not~~] be delegated to
7 a registered pharmacy technician.

8 SECTION 2. As soon as practicable after the effective date
9 of this Act, the Texas State Board of Pharmacy shall adopt rules
10 necessary to implement Section 554.004(a), Occupations Code, as
11 amended by this Act.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2025.