

## **BILL ANALYSIS**

H.B. 1105  
By: Price  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Improving convenient access to immunizations and vaccinations is essential to healthcare services for Texans. This is especially important to rural Texans where access to a local physician is increasingly rare. With the forthcoming expiration of the federal Public Readiness and Emergency Preparedness Act, it is imperative for Texas to establish a framework for pharmacists to provide a convenient and accessible means for obtaining immunizations and vaccinations. H.B. 1105 seeks to address this by increasing immunization and vaccination access statewide and improving the overall health of Texans by authorizing a pharmacist to order and administer authorized and approved immunizations and vaccinations under certain circumstances.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1105 amends the definition of “Practice of Pharmacy” in Section 551.003(33), Occupations Code, to include ordering an immunization or vaccination to a patient who is at least three years of age, without an established physician-patient relationship under certain circumstances; or if the patient is younger than three years of age and is referred to a pharmacist by a physician, administering an immunization or vaccination to a patient under a physician’s written protocol.

H.B. 1105 amends the heading to Section 554.004, Occupations Code, to read “Administration of Medication; Ordering and Administration of Immunization or Vaccination”. The bill requires that the Texas State Board of Pharmacy specify conditions under which a pharmacist is authorized to administer medication and order or administer an immunization or vaccination. The conditions for ordering or administering an immunization or vaccination must ensure that:

- the pharmacist possesses the necessary skill, education, and certification as specified by the Texas State Board of Pharmacy to order or administer the immunization or vaccination;
- within a reasonable time after administering an immunization or vaccination that is prescribed by a licensed health care provider, the pharmacist notifies the licensed health care provider responsible for the patient’s care that the immunization or vaccination was administered; and

- the authority of a pharmacist to administer an immunization or vaccination may be delegated to a certified pharmacy technician.

H.B. 1105 requires that the Texas State Board of Pharmacy must require a pharmacist to notify a physician who prescribes an immunization or vaccination not later than the 14th day after the date the pharmacist administers the immunization or vaccination. The bill requires the Texas State Board of Pharmacy to establish minimum education and continuing education standards for a pharmacist who orders or administers an immunization or vaccination. These standards must include certain federal Centers for Disease Control and Prevention training.

H.B. 1105 revises what constitutes adequate supervision by a physician to include if the delegating physician has established a physician-patient relationship with each patient who is younger than three years of age and referred the patient to the pharmacist.

H.B. 1105 authorizes a pharmacist to order or administer an immunization or vaccination to a patient who is at least three years of age without an established physician-patient relationship if the immunization or vaccination is authorized or approved by the United States Food and Drug Administration or listed in the routine immunization schedule recommended by the federal Advisory Committee on Immunization Practices published by the federal Centers for Disease Control and Prevention; and ordered or administered in accordance with the federal Advisory Committee on Immunization Practices vaccine-specific recommendations.

#### **EFFECTIVE DATE**

September 1, 2023.