**BILL ANALYSIS**

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| Senate Research Center | H.B. 3749 |
| 89R26181 BEE-F | By: Orr et al. (Campbell) |
|  | Health & Human Services |
|  | 5/20/2025 |
|  | Engrossed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There has been an increased number of patients receiving elective nonsurgical medical cosmetic procedures and elective intravenous (IV) therapy. These treatments are often administered in quasi-medical settings, often referred to as med spas. As reported by KCEN, in July 2023, a patient tragically lost her life after receiving IV therapy at a med spa in Wortham, Texas. Catastrophic outcomes related to med spas have occurred in other states as well: the CDC reported that, from 2018 to 2023, four customers of a medical spa in New Mexico contracted HIV after exposure to needles from cosmetic platelet-rich plasma micro needling facials despite reporting low behavioral risks associated with HIV acquisition. According to a survey distributed to the American Society for Dermatologic Surgery, the majority of respondents reported that 61 to 100 percent of the complications seen in their practices were attributable to medical spas. H.B. 3749 seeks to address this issue by providing for the delegation by a physician for the acts of prescribing, ordering, or administering elective intravenous therapy to certain medical professionals acting under adequate physician supervision.

H.B. 3749 amends current law relating to the regulation of the provision of elective intravenous therapy.

**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. Requires that this Act be known as Jenifer's Law.

SECTION 2. Amends Subtitle B, Title 3, Occupations Code, by adding Chapter 172, as follows

CHAPTER 172. PROVISION OF ELECTIVE INTRAVENOUS THERAPY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 172.001. DEFINITIONS. Defines "advanced practice registered nurse," "elective intravenous therapy," "physician assistant," and "registered nurse."

SUBCHAPTER B. ELECTIVE INTRAVENOUS THERAPY

Sec. 172.051. DELEGATION OF PRESCRIBING OR ORDERING ELECTIVE INTRAVENOUS THERAPY. (a) Authorizes a physician to delegate the act of prescribing or ordering elective intravenous therapy to a physician assistant acting under adequate physician supervision or an advanced practice registered nurse acting under adequate physician supervision.

(b) Authorizes a physician to delegate the act of administering elective intravenous therapy to a physician assistant acting under adequate physician supervision, an advanced practice registered nurse acting under adequate physician supervision, or a registered nurse acting under adequate physician supervision.

(c) Provides that a physician's authority to delegate the act of prescribing or ordering elective intravenous therapy is subject to Subchapter B (Delegation to Advanced Practice Registered Nurses and Physician Assistants), Chapter 157 (Authority of Physician to Delegate Certain Medical Acts).

(d) Provides that a prescriptive authority agreement relating to elective intravenous therapy is included in the maximum number of prescriptive authority agreements authorized under Section 157.0512(c) (relating to authorizing a physician to enter into a prescriptive authority agreement with a maximum of seven advanced practice registered nurses and physician assistants). Provides that the exception provided in Section 157.0512(d) (relating to an exception if the prescriptive authority is being exercised in a practice serving a medically underserved population or a certain facility-based practice in a hospital) does not apply to a prescriptive authority agreement relating to elective intravenous therapy.

SECTION 3. Provides that the changes in law made by this Act apply to the performance of a medical act on or after the effective date of this Act under a physician's delegation, regardless of the manner in which the delegation is made and whether the delegation is made before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2025.