

By: Harless, Howard, Darby

H.B. No. 3540

Substitute the following for H.B. No. 3540:

By: VanDeaver

C.S.H.B. No. 3540

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of pharmacists and the practice of pharmacy, including the administration of a medication and the ordering and administration of an immunization or vaccination by a pharmacist.

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

SECTION 1. Section 551.003(33), Occupations Code, is amended to read as follows:

(33) "Practice of pharmacy" means:

(A) providing an act or service necessary to provide pharmaceutical care;

(B) interpreting or evaluating a prescription drug order or medication order;

(C) participating in drug or device selection as authorized by law, and participating in drug administration, drug regimen review, or drug or drug-related research;

(D) providing patient counseling;

(E) being responsible for:

(i) dispensing a prescription drug order or distributing a medication order;

(ii) compounding or labeling a drug or device, other than labeling by a manufacturer, repackager, or distributor of a nonprescription drug or commercially packaged prescription drug or device;

(iii) properly and safely storing a drug or device; or

(iv) maintaining proper records for a drug or device;

(F) performing for a patient a specific act of drug therapy management delegated to a pharmacist by a written protocol from a physician licensed in this state in compliance with Subtitle B; ~~or~~

(G) ordering or administering an immunization or vaccination subject to Section 554.052(c-1); or

(H) administering an immunization or vaccination, other than an immunization or vaccination as authorized under Section 554.052(c-1), to a patient under a protocol or prescription from a licensed health care provider ~~[under a physician's written protocol]~~.

SECTION 2. The heading to Section 554.004, Occupations Code, is amended to read as follows:

Sec. 554.004. ADMINISTRATION OF MEDICATION; ORDERING AND ADMINISTRATION OF IMMUNIZATION OR VACCINATION.

SECTION 3. Section 554.004, Occupations Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) The board shall specify conditions under which a pharmacist may administer medication and order or administer ~~[including]~~ an immunization or ~~[and]~~ vaccination. The conditions for ordering or administering an immunization or vaccination must ensure that:

1           (1) ~~[a licensed health care provider authorized to~~  
2 ~~administer the medication is not reasonably available to administer~~  
3 ~~the medication;~~

4           ~~[(2) failure to administer the medication, other than~~  
5 ~~an immunization or vaccination, might result in a significant delay~~  
6 ~~or interruption of a critical phase of drug therapy;~~

7           ~~[(3)]~~ the pharmacist possesses the necessary skill,  
8 education, and certification as specified by the board to order or  
9 administer the immunization or vaccination ~~[medication]~~;

10           (2) not later than the third business day ~~[(4) within~~  
11 ~~a reasonable time]~~ after administering an immunization or  
12 vaccination ~~[medication]~~, the pharmacist notifies the licensed  
13 health care provider responsible for the patient's care that the  
14 immunization or vaccination ~~[medication]~~ was administered;

15           ~~[(5) the pharmacist may not administer medication to a~~  
16 ~~patient at the patient's residence, except at a licensed nursing~~  
17 ~~home or hospital;~~

18           ~~[(6) the pharmacist administers an immunization or~~  
19 ~~vaccination under a physician's written protocol and meets the~~  
20 ~~standards established by the board;~~] and

21           (3) ~~[(7)]~~ the authority of a pharmacist to administer  
22 an immunization or vaccination ~~[medication]~~ may ~~[not]~~ be delegated  
23 to a certified pharmacy technician who possesses the necessary  
24 skill, education, and certification as specified by the board to  
25 administer the immunization or vaccination.

26           (a-1) A pharmacist satisfies the notice requirement of  
27 Subsection (a)(2) if the immunization or vaccination administered

1 by the pharmacist is recorded in the immunization registry  
2 maintained by the state.

3 (a-2) A pharmacist shall inform the child receiving an  
4 immunization or vaccination and the adult caregiver accompanying  
5 the child of the importance of an annual well-child visit with a  
6 pediatrician or other licensed primary health care provider.

7 SECTION 4. Sections 554.052(a), (b), (c), and (c-1),  
8 Occupations Code, are amended to read as follows:

9 (a) The board by rule shall require a pharmacist to notify a  
10 physician who prescribes an immunization or vaccination not later  
11 than the third business day [~~within 24 hours~~] after the date the  
12 pharmacist administers the immunization or vaccination. A rule  
13 adopted under this subsection must provide that a pharmacist  
14 satisfies the notice requirement if the immunization or vaccination  
15 is recorded in the immunization registry maintained by the state.

16 (b) The board shall establish minimum education and  
17 continuing education standards for a pharmacist who orders or  
18 administers an immunization or vaccination. The standards must  
19 include federal Centers for Disease Control and Prevention  
20 training, basic life support training, and hands-on training in  
21 techniques for administering immunizations and vaccinations.

22 (c) Supervision by a physician is adequate if the delegating  
23 physician:

24 (1) is responsible for formulating or approving an  
25 order or protocol, including the physician's order, standing  
26 medical order, or standing delegation order, and periodically  
27 reviews the order or protocol and the services provided to a patient

under the order or protocol;

(2) ~~[except as provided by Subsection (c-1), has established a physician-patient relationship with each patient under 14 years of age and referred the patient to the pharmacist,~~

~~[(3)]~~ is geographically located to be easily accessible to the pharmacy where an immunization or vaccination is administered;

(3) ~~[(4)]~~ receives, as appropriate, a periodic status report on the patient, including any problem or complication encountered; and

(4) ~~[(5)]~~ is available through direct telecommunication for consultation, assistance, and direction.

(c-1) A pharmacist may order or administer ~~[an influenza vaccination]~~ to a patient who is at least:

(1) three years of age an influenza immunization or vaccination and SARS-CoV-2 immunization or vaccination; and

(2) five years of age an immunization or vaccination if the immunization or vaccination is:

(A) 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

(B) ordered or administered in accordance with the federal Advisory Committee on Immunization Practices vaccine-specific recommendations ~~[over seven years of age without an established physician-patient relationship].~~

1           SECTION 5. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2025.