

By: Harless

H.B. No. 3540

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration of a medication and the ordering and  
3 administration of an immunization or vaccination by a pharmacist.

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

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

7 (33) "Practice of pharmacy" means:

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

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

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

15 (D) providing patient counseling;

16 (E) being responsible for:

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

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

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

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

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

7 (G) subject to Section 554.052(c-1), ordering or  
8 administering an immunization or vaccination to a patient who is at  
9 least three years of age; or

10 (H) if the patient is younger than three years of  
11 age and is referred to a pharmacist by a physician, administering an  
12 immunization or vaccination to a patient under a physician's  
13 written protocol.

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

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

18 SECTION 3. Section 554.004(a), Occupations Code, is amended  
19 to read as follows:

20 (a) The board shall specify conditions under which a  
21 pharmacist may administer medication and order or administer [~~7~~  
22 ~~including~~] an immunization or [~~and~~] vaccination. The conditions  
23 for ordering or administering an immunization or vaccination must  
24 ensure that:

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

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

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

7           (2) ~~[(4)]~~ within a reasonable time after  
8 administering an immunization or vaccination that is prescribed by  
9 a licensed health care provider ~~[medication]~~, the pharmacist  
10 notifies the licensed health care provider responsible for the  
11 patient's care that the immunization or vaccination ~~[medication]~~  
12 was administered;

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

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

19           (3) ~~[(7)]~~ the authority of a pharmacist to administer  
20 an immunization or vaccination ~~[medication]~~ may ~~[not]~~ be delegated  
21 to a certified pharmacy technician.

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

24           (a) The board by rule shall require a pharmacist to notify a  
25 physician who prescribes an immunization or vaccination not later  
26 than the 14th day ~~[within 24 hours]~~ after the date the pharmacist  
27 administers the immunization or vaccination.

1 (b) The board shall establish minimum education and  
2 continuing education standards for a pharmacist who orders or  
3 administers an immunization or vaccination. The standards must  
4 include federal Centers for Disease Control and Prevention  
5 training, basic life support training, and hands-on training in  
6 techniques for administering immunizations and vaccinations.

7 (c) Supervision by a physician is adequate if the delegating  
8 physician:

9 (1) is responsible for formulating or approving an  
10 order or protocol, including the physician's order, standing  
11 medical order, or standing delegation order, and periodically  
12 reviews the order or protocol and the services provided to a patient  
13 under the order or protocol;

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

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

20 (3) ~~(4)~~ receives, as appropriate, a periodic status  
21 report on the patient, including any problem or complication  
22 encountered; and

23 (4) ~~(5)~~ is available through direct  
24 telecommunication for consultation, assistance, and direction.

25 (c-1) A pharmacist may order or administer an immunization  
26 or [influenza] vaccination to a patient who is at least three [over  
27 seven] years of age if the immunization or vaccination is:

1           (1) authorized or approved by the United States Food  
2 and Drug Administration or listed in the routine immunization  
3 schedule recommended by the federal Advisory Committee on  
4 Immunization Practices published by the federal Centers for Disease  
5 Control and Prevention; and

6           (2) ordered or administered in accordance with the  
7 federal Advisory Committee on Immunization Practices  
8 vaccine-specific recommendations [~~without an established~~  
9 ~~physician-patient relationship~~].

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