

BILL ANALYSIS

Senate Research Center
84R18699 EES-D

H.B. 1550
By: Zerwas et al. (Kolkhorst)
Health & Human Services
5/8/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerned parties note that a pharmacist's authority to administer an epinephrine auto-injector extends only to a patient who is having an allergic reaction as a result of a vaccination or immunization and not to an individual who enters the pharmacy experiencing anaphylactic shock or goes into anaphylactic shock while in the pharmacy. The parties contend that this limitation has created an unnecessary public safety issue, particularly when the pharmacist has a life-saving device readily available. H.B. 1550 seeks to remedy this situation.

H.B. 1550 amends current law relating to the administration of epinephrine by pharmacists.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTION 1 (Section 562.057, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 562, Occupations Code, by adding Section 562.057, as follows:

Sec. 562.057. ADMINISTRATION OF EPINEPHRINE. (a) Authorizes a pharmacist to administer epinephrine through an auto-injector device in accordance with this section.

(b) Requires the Texas State Board of Pharmacy (TSBP) to adopt rules designed to protect the public health and safety to implement this section. Requires that the rules provide that a pharmacist is authorized to administer epinephrine through an auto-injector device to a patient in an emergency situation.

(c) Authorizes a pharmacist to maintain, administer, and dispose of epinephrine auto-injector devices only in accordance with rules adopted by TSBP under this section.

(d) Requires a pharmacist who administers epinephrine through an auto-injector device to a patient to report the use to the patient's primary care physician, as identified by the patient, if the patient has a primary care physician.

(e) Provides that a pharmacist who in good faith administers epinephrine through an auto-injector device in accordance with the requirements of this section is not liable for civil damages for an act performed in the administration unless the act is wilfully or wantonly negligent. Prohibits a pharmacist from receiving remuneration for the administration of epinephrine through an auto-injector device but authorizes a pharmacist to seek reimbursement for the cost of the epinephrine auto-injector device.

(f) Provides that the administration of epinephrine through an auto-injector device to a patient in accordance with the requirements of this section does not constitute the unlawful practice of any health care profession.

SECTION 2. Authorizes pharmacists, before January 1, 2016, to administer epinephrine through an auto-injector device to the extent allowed under the law that exists before September 1, 2015.

SECTION 3. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2015.

(b) Provides that Section 562.057, Occupations Code, as added by this Act, takes effect January 1, 2016, except that Section 562.057 takes effect September 1, 2015, for the limited purpose of allowing TSBP to adopt rules under that law that may take effect before January 1, 2016.