

By: Kolkhorst

S.B. No. 1361

A BILL TO BE ENTITLED

AN ACT

relating to the administration of epinephrine by pharmacists.

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

SECTION 1. Subchapter B, Chapter 562, Occupations Code, is amended by adding Section 562.057 to read as follows:

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

(b) The board shall adopt rules designed to protect the public health and safety to implement this section. The rules must provide that a pharmacist may administer epinephrine through an auto-injector device to a patient in an emergency situation.

(c) A pharmacist may carry, maintain, administer, and dispose of epinephrine auto-injector devices only in accordance with rules adopted by the board under this section.

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

(e) The administration of epinephrine through an auto-injector device to a patient under this section is considered to be the administration of emergency care for the purposes of any statute relating to liability for the provision of emergency care. The administration of epinephrine through an auto-injector device

1 to a patient in accordance with the requirements of this section  
2 does not constitute the unlawful practice of any health care  
3 profession.

4 (f) This section does not impose a standard of care not  
5 otherwise required by law.

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

9 SECTION 3. (a) Except as provided by Subsection (b) of  
10 this section, this Act takes effect September 1, 2015.

11 (b) Section 562.057, Occupations Code, as added by this Act,  
12 takes effect January 1, 2016, except that Section 562.057 takes  
13 effect September 1, 2015, for the limited purpose of allowing the  
14 Texas State Board of Pharmacy to adopt rules under that law that may  
15 take effect before January 1, 2016.