

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1135

5 By: Representative Boyd
6

For An Act To Be Entitled

8 AN ACT TO AUTHORIZE PHARMACY TECHNICIANS TO
9 ADMINISTER VACCINES AND IMMUNIZATIONS; TO AMEND THE
10 DEFINITION OF "PRACTICE OF PHARMACY" TO ALLOW
11 PHARMACY TECHNICIANS TO ADMINISTER VACCINES OR
12 IMMUNIZATIONS TO A PERSON WHO IS THREE (3) YEARS OF
13 AGE OR OLDER; AND FOR OTHER PURPOSES.
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Subtitle

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16 TO AUTHORIZE PHARMACY TECHNICIANS TO
17 ADMINISTER VACCINES AND IMMUNIZATIONS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

24 (a) The General Assembly finds that:

25 (1) The federal Public Readiness and Emergency Preparedness Act,
26 Pub. L. No. 109-148, also known as the "PREP Act", and amendments to the act
27 made by the United States Department of Health and Human Services have
28 created confusion as to the scope of practice of pharmacy technicians;

29 (2) Under federal law, a pharmacy technician may administer to a
30 person three (3) years of age or older vaccines and immunizations that has
31 been authorized or licensed by the United States Food and Drug
32 Administration;

33 (3) Pharmacy technicians licensed in this state are not
34 presently authorized to administer vaccines or immunizations;

35 (4) Confusion exists among the citizens of this state regarding
36 whether a pharmacy technician can administer a vaccine or immunization; and



1 (5) It is in the best interest of the citizens of this state to
 2 ensure that the scope of practice of pharmacy technicians is not more
 3 restrictive than the scope of practice of pharmacy technicians permitted
 4 under federal law.

5 (b) It is the intent of the General Assembly to authorize pharmacy
 6 technicians licensed in this state to administer vaccines and immunizations
 7 to or for a person three (3) years of age or older.

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 9 SECTION 2. Arkansas Code § 17-92-101(17)(C), concerning the definition
 10 of "practice of pharmacy" relating to pharmacists and pharmacies, is amended
 11 to read as follows:

12 (C)(i) The Arkansas State Board of Pharmacy may permit
 13 pharmacy technicians other than pharmacists or interns to perform some or all
 14 of those functions described in Arkansas State Board of Pharmacy rules under
 15 the direct, personal supervision of a licensed pharmacist ~~pursuant to~~ under
 16 rules defining the minimum qualifications of such employees, the ratio of
 17 pharmacy technicians to supervising pharmacists, and the scope of the duties,
 18 practices, and procedures that the Arkansas State Board of Pharmacy
 19 determines will promote the delivery of competent, professional
 20 pharmaceutical services and promote the public health and welfare. ~~Nothing in~~
 21 ~~this chapter shall be construed as allowing pharmacy technicians to~~
 22 ~~administer medications.~~

23 (ii) A pharmacy technician may administer vaccines
 24 and immunizations to a person three (3) years of age or older if delegated to
 25 do so by a supervising pharmacist, but may not administer other medications.

26 (iii) The conduct of a pharmacy technician is the
 27 responsibility of the pharmacist-in-charge and supervising pharmacist of the
 28 pharmacy who shall not permit the employee to perform any act, task, or
 29 function that involves the exercise of independent judgment by the employee.

30 ~~(iii)~~(iv) Pharmacy products prepared by pharmacy
 31 technicians shall be verified for accuracy by the supervising pharmacist
 32 before release for patient use, and the verification shall be documented.

33 ~~(iv)~~(v) The use of pharmacy technicians in a manner
 34 not authorized by this chapter or rules promulgated hereunder shall be
 35 unprofessional conduct by the pharmacist-in-charge and the supervising
 36 pharmacist.

