

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

As Engrossed: H1/19/21

A Bill

HOUSE BILL 1135

5 By: Representatives Boyd, *Pilkington*
6 By: *Senator Gilmore*
7

For An Act To Be Entitled

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

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18 TO AUTHORIZE PHARMACY TECHNICIANS TO
19 ADMINISTER VACCINES AND IMMUNIZATIONS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

25 (a) The General Assembly finds that:

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

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

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

36 (4) Confusion exists among the citizens of this state regarding



1 whether a pharmacy technician can administer a vaccine or immunization; and
2 (5) It is in the best interest of the citizens of this state to
3 ensure that the scope of practice of pharmacy technicians is not more
4 restrictive than the scope of practice of pharmacy technicians permitted
5 under federal law.

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

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

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

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

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

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

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

1 pharmacist.

2 ~~(v)~~(vi) It is recognized that hospital pharmacy
3 technicians as defined in § 17-92-602(4) are governed by the Hospital
4 Pharmacies Act, § 17-92-601 et seq., and related Arkansas State Board of
5 Pharmacy rules developed pursuant to that subchapter under the Hospital
6 Pharmacies Act, § 17-92-601 et seq.;

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/s/Boyd