

By: Thierry

H.B. No. 849

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an acknowledgment on receipt of an opioid prescription  
3 drug.

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

5 SECTION 1. Section 481.074(a), Health and Safety Code, is  
6 amended to read as follows:

7 (a) A pharmacist may not:

8 (1) dispense or deliver a controlled substance or  
9 cause a controlled substance to be dispensed or delivered under the  
10 pharmacist's direction or supervision except under a valid  
11 prescription and in the course of professional practice;

12 (2) dispense a controlled substance if the pharmacist  
13 knows or should have known that the prescription was issued without  
14 a valid patient-practitioner relationship;

15 (3) fill a prescription that is not prepared or issued  
16 as prescribed by this chapter;

17 (4) permit or allow a person who is not a licensed  
18 pharmacist or pharmacist intern to dispense, distribute, or in any  
19 other manner deliver a controlled substance even if under the  
20 supervision of a pharmacist, except that after the pharmacist or  
21 pharmacist intern has fulfilled his professional and legal  
22 responsibilities, a nonpharmacist may complete the actual cash or  
23 credit transaction and delivery; ~~or~~

24 (5) permit the delivery of a controlled substance to

1 any person not known to the pharmacist, the pharmacist intern, or  
2 the person authorized by the pharmacist to deliver the controlled  
3 substance without first requiring identification of the person  
4 taking possession of the controlled substance, except as provided  
5 by Subsection (n); or

6 (6) dispense or deliver an opioid without:

7 (A) providing to the person taking possession of  
8 the opioid the acknowledgment form described by Section 481.0761(1)  
9 providing a warning about the risks of opioid addiction and  
10 overdose;

11 (B) receiving from that person the signed  
12 acknowledgment form; and

13 (C) maintaining the signed acknowledgment form  
14 in the pharmacist's records.

15 SECTION 2. Section 481.0761, Health and Safety Code, is  
16 amended by adding Subsection (1) to read as follows:

17 (1) The board by rule shall adopt an acknowledgment form  
18 providing a warning about the risks of opioid addiction and  
19 overdose to be signed by a person on receipt of an opioid. The  
20 acknowledgment form must include language substantially similar to  
21 the following, in all capital letters and printed in 14-point font:

22 "WARNING: THIS DRUG IS AN OPIOID. THE USE OF AN OPIOID MAY  
23 RESULT IN ADDICTION TO OPIOIDS AND DEATH."

24 SECTION 3. The Texas State Board of Pharmacy shall adopt the  
25 rules required under Section 481.0761(1), Health and Safety Code,  
26 as added by this Act, not later than January 1, 2022.

27 SECTION 4. The change in law made by this Act applies only

1 to a prescription for an opioid dispensed on or after March 1, 2022.  
2 A prescription dispensed before March 1, 2022, is governed by the  
3 law in effect immediately before the effective date of this Act, and  
4 the former law is continued in effect for that purpose.

5 SECTION 5. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2021.