

AN ACT

relating to the donors of certain unused prescription drugs.

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

SECTION 1. Section 442.001(1), Health and Safety Code, is amended to read as follows:

(1) "Donor" means an individual, a prescription drug manufacturer, or a health care facility, including a pharmacy, that ~~who~~ donates unused prescription drugs under this chapter to a participating provider.

SECTION 2. Section 442.056, Health and Safety Code, is amended to read as follows:

Sec. 442.056. RECIPIENT FORM. Before accepting a donated prescription drug under this chapter, a recipient shall sign a form prescribed by the department stating that:

(1) the recipient acknowledges that if the donor is an individual, prescription drug manufacturer, or health care facility other than a pharmacy, the donor is not a pharmacist and the donor took ordinary care of the prescription drug;

(2) the recipient acknowledges that the donor is known to the participating provider and that there is no reason to believe that the prescription drug was improperly handled or stored;

(3) by accepting the prescription drug, the recipient accepts any risk that an accidental mishandling could create; and

(4) the recipient releases the donor, participating

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1 provider, and manufacturer of the drug from liability related to
2 the prescription drug.

3 SECTION 3. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 4331 was passed by the House on April 28, 2023, by the following vote: Yeas 140, Nays 4, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4331 was passed by the Senate on May 17, 2023, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor