

By: Guillen

H.B. No. 5248

Substitute the following for H.B. No. 5248:

By: VanDeaver

C.S.H.B. No. 5248

A BILL TO BE ENTITLED

AN ACT

relating to a pilot program for the safe disposal of prescription drugs, including controlled substance prescription drugs.

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

SECTION 1. Section 442A.001, Health and Safety Code, is amended to read as follows:

Sec. 442A.001. DEFINITIONS. In this chapter:

(1) "Collection receptacle" means a receptacle as described by 21 C.F.R. Section 1317.75 [~~"Board" means the Texas State Board of Pharmacy~~].

(2) "Commission" means the Health and Human Services Commission.

(3) "Controlled substance" has the meaning assigned by Section 481.002.

(4) "Department" means the Department of State Health Services.

(5) [~~(3)~~] "Pharmacy" means a facility licensed under Chapter 560, Occupations Code.

(6) [~~(4)~~] "Pilot program" means the prescription drug safe disposal pilot program established under this chapter.

(7) [~~(5)~~] "Prescription drug" has the meaning assigned by Section 551.003, Occupations Code.

(8) [~~(6)~~] "Ultimate user" has the meaning assigned by 21 U.S.C. Section 802.

SECTION 2. Section 442A.002, Health and Safety Code, is amended to read as follows:

Sec. 442A.002. PRESCRIPTION DRUG SAFE DISPOSAL PILOT PROGRAM. The executive commissioner of the commission ~~[board]~~ by rule shall develop and implement a prescription drug safe disposal pilot program administered by the department to increase the number of collection receptacles ~~[locations]~~ in this state where unused, unwanted, or expired prescription drugs are collected from the public for safe disposal.

SECTION 3. Section 442A.051, Health and Safety Code, is amended to read as follows:

Sec. 442A.051. PHARMACY ELIGIBILITY. A pharmacy operating in this state may apply to the department ~~[board]~~ to participate in the pilot program if the pharmacy:

(1) is eligible to register ~~[registered]~~ as an authorized drug collection site with the United States Drug Enforcement Administration; and

(2) ~~[is not the subject of state or federal opioid litigation; and~~

~~[(3)]~~ meets the eligibility requirements established by 21 C.F.R. Section 1317.40 ~~[and board rules]~~.

SECTION 4. Section 442A.052, Health and Safety Code, is amended to read as follows:

Sec. 442A.052. APPLICATION AND SELECTION PROCESSES. (a) The department ~~[board]~~ shall prescribe ~~[adopt rules prescribing]~~

~~[(1)]~~ the form and manner for a pharmacy to apply for participation in the pilot program~~[, and~~

1 ~~[(2) evaluation and selection criteria and~~
2 ~~processes]~~.

3 ~~[(b)]~~ The department ~~[board]~~ shall give priority for
4 participation in the pilot program to a pharmacy applicant that:

5 (1) does not collect unused ultimate user prescription
6 drugs under 21 C.F.R. Part 1317 at the time the applicant submits
7 the application; or

8 (2) is located in a rural or underserved area the
9 department ~~[board]~~ designates.

10 (b) ~~[(c)]~~ A pharmacy that operates multiple locations may
11 ~~[must]~~ submit one ~~[an]~~ application to apply for the program for all
12 of the locations, provided the application contains information
13 specific to each location, including the physical address, phone
14 number, location name, and pharmacy manager's name ~~[for each~~
15 ~~location]~~. Each location is separately evaluated for
16 prioritization under Subsection (a).

17 SECTION 5. Section [442A.053](#)(b), Health and Safety Code, is
18 amended to read as follows:

19 (b) Controlled substance prescription drugs, ~~[and]~~
20 noncontrolled substance prescription drugs, and over-the-counter
21 drugs may be collected together and comingled.

22 SECTION 6. Section [442A.055](#), Health and Safety Code, is
23 amended to read as follows:

24 Sec. 442A.055. PHARMACY MANAGEMENT; RECORDS. A
25 participating pharmacy is responsible for the daily management and
26 recordkeeping of the pharmacy's prescription drug safe disposal
27 program in accordance with the pharmacy's United States Drug

Enforcement Administration registration [~~and board rules~~].

SECTION 7. The heading to Subchapter C, Chapter 442A, Health and Safety Code, is amended to read as follows:

SUBCHAPTER C. DEPARTMENT [~~BOARD~~] DUTIES

SECTION 8. Sections 442A.101(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The department [~~board~~] shall assist each pharmacy participating in the pilot program, including by paying [~~the costs of~~]:

(1) the costs of maintaining one collection receptacle at each participating pharmacy location and destroying through incineration of the receptacle's full inner liner containing the prescription drugs collected [~~deposited~~] in the receptacle; and

(2) a one-time fee to offset the initial costs of program participation [~~ordering and distributing pre-addressed, return postage paid mail-back envelopes from a third-party mail-back program and destroying through incineration the returned mail-back envelopes containing the collected prescription drugs, and~~

~~[(3) other operational needs the board determines appropriate].~~

(b) The department may contract with a reverse distributor registered with the United States Drug Enforcement Administration to install the collection receptacles at participating pharmacy locations and to treat at an incineration facility registered with the United States Drug Enforcement Administration the drugs collected in the receptacles [~~board~~].

1 ~~[(1) shall directly reimburse a participating~~
2 ~~pharmacy for costs the pharmacy incurs under Subsection (a), and~~
3 ~~[(2) may not reimburse a participating pharmacy for~~
4 ~~the cost of using a third-party incineration facility unless the~~
5 ~~facility is appropriately registered with the United States Drug~~
6 ~~Enforcement Administration].~~

7 SECTION 9. Section 442A.102, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 442A.102. COMMUNITY OUTREACH. (a) The department
10 ~~[board]~~ shall:

11 (1) develop and distribute educational outreach
12 materials for the public about the availability of safe
13 prescription drug disposal in this state;

14 (2) post the materials on the department's ~~[board's]~~
15 Internet website; ~~[and]~~

16 (3) provide the materials to other state agencies,
17 including the Texas State Board of Pharmacy, for those agencies to
18 conduct the community outreach; and

19 (4) create education materials for voluntary use by a
20 participating pharmacy.

21 (b) The educational outreach materials must be in English,
22 Spanish, and for specific areas of this state as the department
23 ~~[board]~~ determines appropriate, another language spoken by a
24 substantial portion of the area's residents.

25 SECTION 10. Section 442A.103, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 442A.103. REPORT. Not later than December 1 of each

even-numbered year, the department ~~[board]~~ shall submit to the governor and the legislature a report that:

(1) summarizes the results of the pilot program, including:

(A) the number and geographic distribution of collection receptacles at participating pharmacies;

(B) the estimated amount of prescription drugs collected by participating pharmacies under the program, measured by:

(i) the number of inner liners fully filled with collected prescription drugs and sent for incineration by the pharmacies; and

(ii) ~~[the number of mail-back envelopes distributed by the pharmacies; and~~

~~[(iii)]~~ the weight, measured in pounds, of the ~~[+]~~

~~[(a)]~~ inner liners described by Subparagraph (i) ~~[, and~~

~~[(b) returned mail-back envelopes filled with collected prescription drugs];~~

(C) the cost of the pilot program;

(D) ~~[amount of money distributed under the pilot program and]~~ the identity of each participating pharmacy to which money is distributed; and

(E) ~~[(D)]~~ a description of the department's ~~[board's]~~ educational efforts and outcomes; and

(2) recommends whether the pilot program should

1 continue, be expanded, or terminate or whether the department
2 [~~board~~] should permanently implement a prescription drug safe
3 disposal program.

4 SECTION 11. Section 442A.151, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 442A.151. FUNDING. (a) Money contained in the opioid
7 abatement account established under Section 403.505, Government
8 Code[, ~~as added by Chapter 781 (S.B. 1827), Acts of the 87th~~
9 ~~Legislature, Regular Session, 2021~~], shall [~~may~~] be appropriated to
10 the department [~~board~~] to fund the pilot program established under
11 this chapter.

12 (b) The department [~~board~~] may collect gifts, grants, and
13 donations to fund the program.

14 SECTION 12. Sections 442A.056 and 442A.101(c), Health and
15 Safety Code, are repealed.

16 SECTION 13. As soon as practicable after the effective date
17 of this Act, the executive commissioner of the Health and Human
18 Services Commission shall adopt rules to allow the Department of
19 State Health Services to implement the prescription drug safe
20 disposal pilot program developed under Chapter 442A, Health and
21 Safety Code, as required by this Act.

22 SECTION 14. This Act takes effect September 1, 2025.