

1-1 By: Alvarado S.B. No. 1263
1-2 (In the Senate - Filed February 13, 2025; February 28, 2025,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; May 5, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 5, 2025, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Kolkhorst	X			
1-10	Perry	X			
1-11	Blanco	X			
1-12	Cook	X			
1-13	Hall	X			
1-14	Hancock	X			
1-15	Hughes	X			
1-16	Miles	X			
1-17	Sparks	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1263 By: Perry

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to a pilot program for the safe disposal of prescription
1-22 drugs, including controlled substance prescription drugs.
1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-24 SECTION 1. Section 442A.001, Health and Safety Code, is
1-25 amended to read as follows:
1-26 Sec. 442A.001. DEFINITIONS. In this chapter:
1-27 (1) "Collection receptacle" means a receptacle as
1-28 described by 21 C.F.R. Section 1317.75 [~~"Board" means the Texas~~
1-29 ~~State Board of Pharmacy~~].
1-30 (2) "Commission" means the Health and Human Services
1-31 Commission.
1-32 (3) "Controlled substance" has the meaning assigned by
1-33 Section 481.002.
1-34 (4) "Department" means the Department of State Health
1-35 Services.
1-36 (5) [~~(3)~~] "Pharmacy" means a facility licensed under
1-37 Chapter 560, Occupations Code.
1-38 (6) [~~(4)~~] "Pilot program" means the prescription drug
1-39 safe disposal pilot program established under this chapter.
1-40 (7) [~~(5)~~] "Prescription drug" has the meaning
1-41 assigned by Section 551.003, Occupations Code.
1-42 (8) [~~(6)~~] "Ultimate user" has the meaning assigned by
1-43 21 U.S.C. Section 802.
1-44 SECTION 2. Section 442A.002, Health and Safety Code, is
1-45 amended to read as follows:
1-46 Sec. 442A.002. PRESCRIPTION DRUG SAFE DISPOSAL PILOT
1-47 PROGRAM. The executive commissioner of the commission [~~board~~] by
1-48 rule shall develop and implement a prescription drug safe disposal
1-49 pilot program administered by the department to increase the number
1-50 of collection receptacles [~~locations~~] in this state where unused,
1-51 unwanted, or expired prescription drugs are collected from the
1-52 public for safe disposal.
1-53 SECTION 3. Section 442A.051, Health and Safety Code, is
1-54 amended to read as follows:
1-55 Sec. 442A.051. PHARMACY ELIGIBILITY. A pharmacy operating
1-56 in this state may apply to the department [~~board~~] to participate in
1-57 the pilot program if the pharmacy:
1-58 (1) is eligible to register [~~registered~~] as an
1-59 authorized drug collection site with the United States Drug
1-60 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~~
~~[(2)] evaluation and selection criteria and processes]~~.

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

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

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

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

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

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

SECTION 6. Section 442A.055, Health and Safety Code, is amended to read as follows:

Sec. 442A.055. PHARMACY MANAGEMENT; RECORDS. A participating pharmacy is responsible for the daily management and recordkeeping of the pharmacy's prescription drug safe disposal 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)] shall directly reimburse a participating pharmacy for costs the pharmacy incurs under Subsection (a), and~~

~~[(2)] may not reimburse a participating pharmacy for the cost of using a third-party incineration facility unless the facility is appropriately registered with the United States Drug~~

3-1 ~~Enforcement Administration]~~.

3-2 SECTION 9. Section [442A.102](#), Health and Safety Code, is
3-3 amended to read as follows:

3-4 Sec. 442A.102. COMMUNITY OUTREACH. (a) The department
3-5 ~~[board]~~ shall:

3-6 (1) develop and distribute educational outreach
3-7 materials for the public about the availability of safe
3-8 prescription drug disposal in this state;

3-9 (2) post the materials on the department's ~~[board's]~~
3-10 Internet website; ~~[and]~~

3-11 (3) provide the materials to other state agencies,
3-12 including the Texas State Board of Pharmacy, for those agencies to
3-13 conduct the community outreach; and

3-14 (4) create education materials for voluntary use by a
3-15 participating pharmacy.

3-16 (b) The educational outreach materials must be in English,
3-17 Spanish, and for specific areas of this state as the department
3-18 ~~[board]~~ determines appropriate, another language spoken by a
3-19 substantial portion of the area's residents.

3-20 SECTION 10. Section [442A.103](#), Health and Safety Code, is
3-21 amended to read as follows:

3-22 Sec. 442A.103. REPORT. Not later than December 1 of each
3-23 even-numbered year, the department ~~[board]~~ shall submit to the
3-24 governor and the legislature a report that:

3-25 (1) summarizes the results of the pilot program,
3-26 including:

3-27 (A) the number and geographic distribution of
3-28 collection receptacles at participating pharmacies;

3-29 (B) the estimated amount of prescription drugs
3-30 collected by participating pharmacies under the program, measured
3-31 by:

3-32 (i) the number of inner liners fully filled
3-33 with collected prescription drugs and sent for incineration by the
3-34 pharmacies; and

3-35 (ii) ~~[the number of mail-back envelopes~~
3-36 ~~distributed by the pharmacies; and~~

3-37 ~~[(iii)]~~ the weight, measured in pounds, of
3-38 the ~~[+]~~

3-39 ~~[(a)]~~ inner liners described by
3-40 Subparagraph (i) ~~[, and~~

3-41 ~~[(b)] returned mail-back envelopes~~
3-42 ~~filled with collected prescription drugs];~~

3-43 (C) the cost of the pilot program;

3-44 (D) ~~[amount of money distributed under the pilot~~
3-45 ~~program and]~~ the identity of each participating pharmacy to which
3-46 money is distributed; and

3-47 (E) ~~[(D)]~~ a description of the department's
3-48 ~~[board's]~~ educational efforts and outcomes; and

3-49 (2) recommends whether the pilot program should
3-50 continue, be expanded, or terminate or whether the department
3-51 ~~[board]~~ should permanently implement a prescription drug safe
3-52 disposal program.

3-53 SECTION 11. Section [442A.151](#), Health and Safety Code, is
3-54 amended to read as follows:

3-55 Sec. 442A.151. FUNDING. (a) Money contained in the opioid
3-56 abatement account established under Section [403.505](#), Government
3-57 Code~~[, as added by Chapter 781 (S.B. 1827), Acts of the 87th~~
3-58 ~~Legislature, Regular Session, 2021]~~, shall ~~[may]~~ be appropriated to
3-59 the department ~~[board]~~ to fund the pilot program established under
3-60 this chapter.

3-61 (b) The department ~~[board]~~ may collect gifts, grants, and
3-62 donations to fund the program.

3-63 SECTION 12. Sections [442A.056](#) and [442A.101\(c\)](#), Health and
3-64 Safety Code, are repealed.

3-65 SECTION 13. As soon as practicable after the effective date
3-66 of this Act, the executive commissioner of the Health and Human
3-67 Services Commission shall adopt rules to allow the Department of
3-68 State Health Services to implement the prescription drug safe
3-69 disposal pilot program developed under Chapter [442A](#), Health and

4-1 Safety Code, as required by this Act.

4-2 SECTION 14. This Act takes effect September 1, 2025.

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