

BILL ANALYSIS

C.S.H.B. 1686
By: Chisum
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, institutions licensed under Chapter 242 or 252 of the Health and Safety Code must obtain emergency medication kits from pharmacies located within the state of Texas. The pharmacies physically maintain the kits for the institutions, and the controlled substances and dangerous drugs in an emergency medical kit used at such institutions, may only be used for the emergency medication needs of a resident at that institution. However, the cost of maintaining the kits by pharmacies is cost prohibitive for certain small and rural towns.

House Bill 1686 would allow a 'Class E' pharmacy not more than 20 miles from an institution in Texas to maintain the emergency medication kits. A 'Class E' pharmacy license may be issued to a pharmacy located in another state whose primary business is:

- to dispense a prescription drug or device under a prescription drug order; and
- to deliver the drug or device to a patient, including a patient in this state, by United States mail, common carrier, or delivery service.

RULEMAKING AUTHORITY

This bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1686 amends the Occupations Code to add a 'Class E' pharmacy located not more than 20 miles from an institution, licensed under Chapter 242 or 252 of the Health and Safety Code, in this state to the list of pharmacies that may maintain controlled substances and dangerous drugs in an emergency medical kit.

EFFECTIVE DATE

The Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1686 varies from the original by amending the Occupations Code authorizing a Class E pharmacy located not more than 20 miles from an institution in this state that is licensed under Chapter 242 or 252 of the Health and Safety Code.