

BILL ANALYSIS

Senate Research Center
78R11973 DLF-F

H.B. 3014
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Health & Human Services
5/19/2003
Engrossed

DIGEST AND PURPOSE

Currently, pharmaceutical manufacturers and other third parties are prohibited from donating drugs and devices to state agencies for use by the state. H.B. 3014 allows the state to accept gifts or grants offered by pharmaceutical-related businesses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of health and human services in SECTION 1 (Section 531.0381, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0381, as follows:

Sec. 531.0381. CERTAIN GRANTS TO HEALTH AND HUMAN SERVICES AGENCIES. (a) Authorizes a health and human services agency, subject to this section, to accept a gift or grant of money, drugs, equipment, or any other item of value from a pharmaceutical manufacturer, distributor, provider, or another entity engaged in a pharmaceutical-related business.

(b) Provides that acceptance of a gift or grant under this section is subject to the written approval of the commissioner of health and human services (commissioner). Provides that Chapter 575 (Acceptance of Gift by State Agency) does not apply to a gift or grant under this section.

(c) Authorizes the commissioner to adopt rules and procedures to implement this section. Requires that the rules ensure that acceptance of a gift or grant under this section is consistent with any applicable federal law or regulation and does not adversely affect federal financial participation in any state program, including the state Medicaid program.

(d) Provides that this section does not affect the authority under other law of the Health and Human Services Commission or a health and human services agency to accept a gift or grant from a person other than a pharmaceutical manufacturer, distributor, provider, or another entity engaged in a pharmaceutical-related business.

SECTION 2. Effective date: upon passage or September 1, 2003.