

BILL ANALYSIS

C.S.H.B. 3014
By: Capelo
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, pharmaceutical manufactures and other third parties are prohibited from donating drugs and devices to state agencies for use by the state. This practice inhibits the state's ability to take advantage of free drugs and devices offered by companies.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.0381, Government Code) of this bill.

ANALYSIS

A pharmaceutical manufacturer, distributor, provider or another entity engaged in a pharmaceutical-related business may make a gift or grant of money, drugs, equipment, or any other item of value to a health and humanservices agency, subject to written approval from the Commissioner of Health and Human Services.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary votes the Act becomes effective September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by specifying a health and human services agency rather than any state agency. Additionally, the substitute outlines that gifts and grants must be consistent with applicable federal law and that the section does not affect the authority under other law of the commission or a health and human services agency to accept a gift or grant from a non-pharmaceutical source.