

By: Mercer

H.B. No. 825

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the information required to be on the label of a  
3 dangerous drug that is delivered or offered for delivery by a  
4 pharmacist under a prescription.

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

6 SECTION 1. Section 483.042(a), Health and Safety Code, is  
7 amended to read as follows:

8 (a) A person commits an offense if the person delivers or  
9 offers to deliver a dangerous drug:

10 (1) unless:

11 (A) the dangerous drug is delivered or offered  
12 for delivery by a pharmacist under:

13 (i) a prescription issued by a practitioner  
14 described by Section 483.001(12)(A) or (B);

15 (ii) a prescription signed by a registered  
16 nurse or physician assistant in accordance with Subchapter B,  
17 Chapter 157, Occupations Code; or

18 (iii) an original written prescription  
19 issued by a practitioner described by Section 483.001(12)(C); and

20 (B) a label is attached to the immediate  
21 container in which the drug is delivered or offered to be delivered  
22 and the label contains the following information:

23 (i) the name and address of the pharmacy  
24 from which the drug is delivered or offered for delivery;

1 (ii) the date the prescription for the drug  
2 is dispensed;

3 (iii) the number of the prescription as filed  
4 in the prescription files of the pharmacy from which the  
5 prescription is dispensed;

6 (iv) the name of the practitioner who  
7 prescribed the drug and, if applicable, the name of the registered  
8 nurse or physician assistant who signed the prescription;

9 (v) the name of the patient and, if the drug  
10 is prescribed for an animal, a statement of the species of the  
11 animal; ~~and~~

12 (vi) directions for the use of the drug as  
13 contained in the prescription; and

14 (vii) the expiration date of the drug as  
15 specified by the manufacturer; or

16 (2) unless:

17 (A) the dangerous drug is delivered or offered  
18 for delivery by:

19 (i) a practitioner in the course of  
20 practice; or

21 (ii) a registered nurse or physician  
22 assistant in the course of practice in accordance with Subchapter  
23 B, Chapter 157, Occupations Code; and

24 (B) a label is attached to the immediate  
25 container in which the drug is delivered or offered to be delivered  
26 and the label contains the following information:

27 (i) the name and address of the

1 practitioner who prescribed the drug, and if applicable, the name  
2 and address of the registered nurse or physician assistant;

3 (ii) the date the drug is delivered;

4 (iii) the name of the patient and, if the  
5 drug is prescribed for an animal, a statement of the species of the  
6 animal; and

7 (iv) the name of the drug, the strength of  
8 the drug, and directions for the use of the drug.

9 SECTION 2. (a) This Act takes effect September 1, 2003.

10 (b) The change in law made by this Act applies only to an  
11 offense committed on or after September 1, 2003.

12 (c) An offense committed before September 1, 2003, is  
13 covered by the law in effect when the offense was committed, and the  
14 former law is continued in effect for that purpose. For purposes of  
15 this section, an offense was committed before September 1, 2003, if  
16 any element of the offense was committed before that date.