

By: Thompson

H.B. No. 1381

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to emergency contraception drug therapy initiated and  
3 distributed by a pharmacist to a patient in accordance with drug  
4 therapy protocol.

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

6 SECTION 1. Section 157.101(a), Occupations Code, is amended  
7 to read as follows:

8 (a) In this subchapter [~~section~~], "pharmacist" has the  
9 meaning assigned by Section 551.003.

10 SECTION 2. Subchapter C, Chapter 157, Occupations Code, is  
11 amended by adding Section 157.102 to read as follows:

12 Sec. 157.102. EMERGENCY CONTRACEPTION DRUG THERAPY. A  
13 pharmacist may initiate emergency contraception drug therapy in  
14 accordance with Sections 157.101 and 562.055.

15 SECTION 3. Subchapter B, Chapter 562, Occupations Code, is  
16 amended by adding Section 562.055 to read as follows:

17 Sec. 562.055. EMERGENCY CONTRACEPTION DRUG THERAPY. (a)  
18 In this section:

19 (1) "Initiate" means to provide emergency  
20 contraception on patient request pursuant to a collaborative drug  
21 therapy protocol.

22 (2) "Patient" means a person to whom contraception  
23 drug therapy is dispensed and distributed as provided by this  
24 section.

1           (3) "Physician" has the meaning assigned by Section  
2 151.002.

3           (b) The board shall adopt rules necessary to administer this  
4 section.

5           (c) A pharmacist may exercise the pharmacist's professional  
6 judgment to initiate and distribute emergency contraception drug  
7 therapy to a patient in accordance with:

8                   (1) this section and board rules; and

9                   (2) standardized procedures and protocols developed  
10 by the pharmacist and a physician described by Subsection (f).

11           (d) A pharmacist may not initiate or distribute emergency  
12 contraception drug therapy unless the pharmacist has successfully  
13 completed a training program on emergency contraception drug  
14 therapy. The training program on emergency contraception drug  
15 therapy must be approved by the board and the Texas State Board of  
16 Medical Examiners and must address:

17                   (1) the relevant medical circumstances and  
18 contraindications that make emergency contraception appropriate  
19 for a patient;

20                   (2) how to conduct sensitive communications in  
21 connection with providing the therapy;

22                   (3) quality assurance;

23                   (4) the availability of and how to make referrals to  
24 additional services; and

25                   (5) the documentation required by the board.

26           (e) On completion of the training program, the program  
27 provider shall issue a certificate of completion to the pharmacist.

1 A pharmacist who initiates and distributes emergency contraception  
2 drug therapy may display the certificate as provided by board  
3 rules.

4 (f) A pharmacist who initiates and distributes emergency  
5 contraception drug therapy to a patient in accordance with standing  
6 drug therapy protocol must enter into an agreement with at least one  
7 physician for purposes of this section.

8 (g) For each emergency contraception drug therapy initiated  
9 and distributed, the pharmacist shall:

10 (1) provide the patient with a standardized fact sheet  
11 developed by the board in accordance with Subsection (h) that  
12 includes:

13 (A) the indications for use of the drug;

14 (B) the appropriate method for using the drug  
15 therapy; and

16 (C) the need for medical followup;

17 (2) require the patient to complete a form that  
18 requests information on possible contraindications to the drug  
19 therapy; and

20 (3) inform the physician with whom the pharmacist has  
21 an agreement of the emergency contraception drug therapy in  
22 accordance with standing drug therapy protocol.

23 (h) The board shall develop the standardized fact sheet in  
24 consultation with the Texas State Board of Medical Examiners, the  
25 Texas Department of Health, and the American College of  
26 Obstetricians and Gynecologists. This subsection does not preclude  
27 the use of existing publications developed by nationally recognized

1 medical organizations.

2 SECTION 4. Section 483.042, Health and Safety Code, is  
3 amended by adding Subsection (g) to read as follows:

4 (g) It is an exception to the application of Subsection (a)  
5 that a dangerous drug was a contraceptive and was delivered by a  
6 pharmacist in accordance with Section 562.055, Occupations Code.

7 SECTION 5. Not later than January 1, 2004, the Texas State  
8 Board of Pharmacy shall:

9 (1) adopt the rules necessary to administer Section  
10 562.055, Occupations Code, as added by this Act;

11 (2) in consultation with the Texas State Board of  
12 Medical Examiners, the Texas Department of Health, and the American  
13 College of Obstetricians and Gynecologists, develop the  
14 standardized fact sheet required by Section 562.055, Occupations  
15 Code, as added by this Act; and

16 (3) in cooperation with the Texas State Board of  
17 Medical Examiners, develop the training program on emergency  
18 contraception drug therapy required by Section 562.055,  
19 Occupations Code, as added by this Act.

20 SECTION 6. (a) The change in law made by this Act to Section  
21 483.042, Health and Safety Code, applies only to an offense  
22 committed on or after the effective date of this Act. For purposes  
23 of this section, an offense is committed before the effective date  
24 of this Act if any element of the offense occurs before that date.

25 (b) An offense committed before the effective date of this  
26 Act is covered by the law in effect when the offense was committed,  
27 and the former law is continued in effect for that purpose.

1 SECTION 7. This Act takes effect September 1, 2003.