

By: Nelson

S.B. No. 1540

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the provision of prescription drugs by pharmacies  
3 through patient assistance programs.

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

5 SECTION 1. Subchapter C, Chapter 562, Occupations Code, is  
6 amended by adding Section 562.1075 to read as follows:

7 Sec. 562.1075. PATIENT ASSISTANCE PROGRAMS. (a) In this  
8 section, "patient assistance program" means a program offered by a  
9 pharmaceutical company under which the company provides a drug at  
10 no charge or at a substantially reduced cost to persons in need of  
11 assistance. The term does not include the provision of a drug as  
12 part of a clinical trial.

13 (b) A pharmacy may receive and dispense prescription drugs  
14 that are a part of a patient assistance program. A prescription  
15 drug that is a part of a patient assistance program shall be  
16 dispensed as prescribed to an individual specified in the  
17 prescription. If the quantity of the drug received is greater than  
18 the quantity needed for the patient's prescription, the pharmacy  
19 may place the excess into the pharmacy's inventory for use in the  
20 normal course of business.

21 SECTION 2. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2003.