

By: Gattis, Hopson, et al.

H.B. No. 836

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain requirements concerning the filling of a
3 prescription.

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

5 SECTION 1. Subchapter A, Chapter 562, Occupations Code, is
6 amended by adding Section 562.003 to read as follows:

7 Sec. 562.003. DISCLOSURE OF PRICE; PATIENT'S OPTION. If
8 the price of a drug to a patient is lower than the amount of the
9 patient's copayment under the patient's prescription drug insurance
10 plan, the pharmacist shall offer the patient the option of paying
11 for the drug at the lower price instead of paying the amount of the
12 copayment.

13 SECTION 2. Section 562.009(a), Occupations Code, is amended
14 to read as follows:

15 (a) Before delivery of a prescription for a generically
16 equivalent drug, a [A] pharmacist must [who selects a generically
17 equivalent drug as authorized by this subchapter shall:

18 [~~1~~] personally, or through the pharmacist's agent or
19 employee:

20 (1) [~~and before delivery of a generically equivalent~~
21 ~~drug]~~ inform the patient or the patient's agent that a less
22 expensive generically equivalent drug is available [~~has been~~
23 ~~substituted]~~ for the brand prescribed; and

24 (2) ask [~~that~~] the patient or the patient's agent to

1 choose between the generically equivalent drug and the brand
2 prescribed. [~~is entitled to refuse that substitution; or~~
3 ~~(2) display, in a prominent place that is in clear~~
4 ~~public view where prescription drugs are dispensed, a sign in block~~
5 ~~letters not less than one inch in height that reads, in both English~~
6 ~~and Spanish.~~

7 [~~TEXAS LAW ALLOWS A LESS EXPENSIVE GENERICALLY~~
8 ~~EQUIVALENT DRUG TO BE SUBSTITUTED FOR CERTAIN BRAND~~
9 ~~NAME DRUGS UNLESS YOUR PHYSICIAN DIRECTS OTHERWISE.~~
10 ~~YOU HAVE A RIGHT TO REFUSE SUCH SUBSTITUTION. CONSULT~~
11 ~~YOUR PHYSICIAN OR PHARMACIST CONCERNING THE~~
12 ~~AVAILABILITY OF A SAFE, LESS EXPENSIVE DRUG FOR YOUR~~
13 ~~USE.~~]

14 SECTION 3. Section 562.009(b), Occupations Code, is
15 repealed.

16 SECTION 4. This Act takes effect September 1, 2005.