

AN ACT

relating to the continuation and functions of the Texas State Board of Pharmacy and to certain duties of pharmacists and pharmacies; providing administrative penalties.

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

SECTION 1. Section 551.005, Occupations Code, is amended to read as follows:

Sec. 551.005. APPLICATION OF SUNSET ACT. The Texas State Board of Pharmacy is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subtitle expires September 1, 2017 [~~2005~~].

SECTION 2. Subdivision (42), Section 551.003, Occupations Code, is amended to read as follows:

(42) "Texas trade association" means a [~~nonprofit,~~] cooperative[~~7~~] and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

SECTION 3. Section 552.004, Occupations Code, is amended to read as follows:

Sec. 552.004. MEMBERSHIP RESTRICTIONS. (a) A person may not be a member of [~~serve on~~] the board if the person is required to

1 register as a lobbyist under Chapter 305, Government Code, because
2 of the person's activities for compensation on behalf of a
3 profession related to the operation of the board.

4 (b) A person may not be a ~~[pharmacist]~~ member of the board if
5 ~~[may not be]~~:

6 (1) the person is ~~[a salaried faculty member at a~~
7 ~~college of pharmacy; or~~

8 ~~[-2-]~~ an officer, employee, or paid consultant of a
9 Texas trade association in the field of health care; or

10 (2) the person's spouse is ~~[of]~~ an officer, manager
11 ~~[employee]~~, or paid consultant of a Texas trade association in the
12 field of health care.

13 SECTION 4. Section 552.006, Occupations Code, is amended to
14 read as follows:

15 Sec. 552.006. BOARD MEMBER TRAINING. (a) A person who is
16 appointed to and qualifies for office as a member of the board may
17 not vote, deliberate, or be counted as a member in attendance at a
18 meeting of the board until the person completes a training program
19 that complies with this section.

20 (b) The training program must provide the person with
21 information regarding:

22 (1) this subtitle and the programs, functions, rules,
23 and budget of the board;

24 (2) the results of the most recent formal audit of the
25 board;

26 (3) the requirements of laws relating to open
27 meetings, public information, administrative procedure, and

1 conflicts of interest; and

2 (4) any applicable ethics policies adopted by the
3 board or the Texas Ethics Commission.

4 (c) A person appointed to the board is entitled to
5 reimbursement, as provided by the General Appropriations Act, for
6 the travel expenses incurred in attending the training program
7 regardless of whether the attendance at the program occurs before
8 or after the person qualifies for office [~~Each board member shall~~
9 ~~comply with the board member training requirements established by~~
10 ~~any other state agency with authority to establish the requirements~~
11 ~~for the board].~~

12 SECTION 5. Subsection (a), Section 552.007, Occupations
13 Code, is amended to read as follows:

14 (a) The governor shall designate a member of the board as
15 the president of the board to serve in that capacity at the pleasure
16 of the governor. The board shall elect from its members for
17 one-year terms a [~~president,~~] vice president, treasurer, and other
18 officers the board considers appropriate and necessary to conduct
19 board business.

20 SECTION 6. Subsection (b), Section 552.009, Occupations
21 Code, is amended to read as follows:

22 (b) A member is entitled to reimbursement for travel
23 [~~transportation~~] expenses as prescribed by the General
24 Appropriations Act. [~~A member may not receive reimbursement for~~
25 ~~any other travel expenses, including expenses for meals and~~
26 ~~lodging.~~]

27 SECTION 7. Section 553.005, Occupations Code, is amended to

1 read as follows:

2 Sec. 553.005. EMPLOYEE RESTRICTIONS. (a) A person may not
3 be an employee of the board employed in a "bona fide executive,
4 administrative, or professional capacity," as that phrase is used
5 for purposes of establishing an exemption to the overtime
6 provisions of the federal Fair Labor Standards Act of 1938 (29
7 U.S.C. Section 201 et seq.), if:

8 (1) the person is an officer, employee, or paid
9 consultant of a Texas trade association in the field of health care;
10 or

11 (2) the person's spouse is an [An] officer, manager
12 [employee], or paid consultant of a Texas trade association in the
13 field of health care [may not be an employee of the board who is
14 exempt from the state's position classification plan or is
15 compensated at or above the amount prescribed by the General
16 Appropriations Act for step 1, salary group A17, of the position
17 classification salary schedule].

18 (b) ~~[A person who is the spouse of an officer, manager, or~~
19 ~~paid consultant of a Texas trade association in the field of health~~
20 ~~care may not be an employee of the board who is exempt from the~~
21 ~~state's position classification plan or is compensated at or above~~
22 ~~the amount prescribed by the General Appropriations Act for step 1,~~
23 ~~salary group A17, of the position classification salary schedule.~~

24 ~~[(c)]~~ A person may not act as general counsel to the board if
25 the person is required to register as a lobbyist under Chapter 305,
26 Government Code, because of the person's activities for
27 compensation on behalf of a profession related to the operation of

1 the board.

2 SECTION 8. Section 554.001, Occupations Code, is amended by
3 adding Subsection (e) to read as follows:

4 (e) The board shall develop formal policies outlining the
5 structure, role, and responsibilities of each committee
6 established under Subsection (b)(2) that contains board members.
7 The board may adopt rules to implement this subsection.

8 SECTION 9. Section 554.007, Occupations Code, is amended to
9 read as follows:

10 Sec. 554.007. FUNDS[~~;~~ ~~STATE PHARMACY ACCOUNT~~]. (a) The
11 board shall deposit revenue[~~, other than an administrative~~
12 ~~penalty,~~] collected under this subtitle to the credit of the [~~state~~
13 ~~pharmacy account in the~~] general revenue fund.

14 (b) The board may receive and spend money from a party,
15 other than the state, in addition to money collected under
16 Subsection (a), in accordance with state law.

17 [~~(c) The board shall pay the expense of administering this~~
18 ~~subtitle out of the state pharmacy account.~~]

19 SECTION 10. Section 555.001, Occupations Code, is amended
20 by adding Subsections (c) and (d) to read as follows:

21 (c) The board shall provide on its website a list of all
22 Internet pharmacies licensed by the board and shall provide
23 information about each pharmacy, including the pharmacy's name,
24 license number, and state of physical location. In this
25 subsection, an Internet pharmacy is a pharmacy physically located
26 in this state or another state that:

27 (1) dispenses a prescription drug or device under a

1 prescription drug order in response to a request received by way of
2 the Internet to dispense the drug or device; and

3 (2) delivers the drug or device to a patient in this
4 state by United States mail, common carrier, or delivery service.

5 (d) Information regarding the home address or home
6 telephone number of a person licensed or registered under this
7 subtitle, including a pharmacy owner, is confidential and not
8 subject to disclosure under Chapter 552, Government Code, but each
9 person licensed or registered must provide the board with a
10 business address or address of record that is subject to disclosure
11 under Chapter 552, Government Code, and that may be posted on the
12 board's Internet site or in the board's licensure verification
13 database.

14 SECTION 11. Section 555.005, Occupations Code, is amended
15 to read as follows:

16 Sec. 555.005. RECORDS OF COMPLAINTS. For each complaint
17 received by the board, the board shall maintain information about
18 parties to the complaint, the subject matter of the complaint, a
19 summary of the results of the review or investigation of the
20 complaint, and its disposition [~~The board shall keep an information~~
21 ~~file about each complaint filed with the board. The information~~
22 ~~file must be kept current and contain a record for each complaint~~
23 ~~of:~~

24 [~~(1) each person contacted in relation to the~~
25 ~~complaint,~~

26 [~~(2) a summary of the results of the review or~~
27 ~~investigation of the complaint,~~

1 ~~[(3) an explanation of the reason the complaint was~~
2 ~~closed without action if the board did not take action;~~

3 ~~[(4) the schedule for disposing of the complaint~~
4 ~~prepared as required by Section 555.007(b) and a notation of any~~
5 ~~change in the schedule; and~~

6 ~~[(5) other relevant information].~~

7 SECTION 12. Section 555.007, Occupations Code, is amended
8 by amending Subsection (a) and adding Subsection (c) to read as
9 follows:

10 (a) The board shall adopt policies and procedures
11 concerning the investigation of a complaint filed with the board.
12 The policies and procedures must:

13 (1) determine the seriousness of the complaint;

14 (2) ensure that a complaint is not closed without
15 appropriate consideration;

16 (3) ensure that a letter is sent to the person who
17 filed the complaint explaining the action taken on the complaint;

18 (4) ensure that the person who filed the complaint has
19 an opportunity to explain the allegations made in the complaint;

20 ~~[and]~~

21 (5) prescribe guidelines concerning the types of
22 complaints that require the use of a private investigator and the
23 procedures for the board to obtain the services of a private
24 investigator; and

25 (6) allow appropriate employees of the board to
26 dismiss a complaint if an investigation shows that:

27 (A) no violation occurred; or

1 (B) the subject of the complaint is outside the
2 board's jurisdiction.

3 (c) At each public meeting of the board, the executive
4 director shall report to the board each complaint dismissed under
5 Subsection (a)(6) since the board's last public meeting.

6 SECTION 13. Subsection (a), Section 558.057, Occupations
7 Code, is amended to read as follows:

8 (a) In this section, "preceptor" means a pharmacist
9 licensed in this state to practice pharmacy or another health care
10 professional who meets the preceptor requirements specified by rule
11 and who is recognized [~~certified~~] by the board to supervise and be
12 responsible for the activities and functions of a pharmacist-intern
13 in an internship program.

14 SECTION 14. Subchapter B, Chapter 558, Occupations Code, is
15 amended by adding Section 558.058 to read as follows:

16 Sec. 558.058. ACCESSIBILITY OF EXAMINATION. The board by
17 rule shall ensure that an examination under this subchapter is
18 administered to applicants with disabilities in compliance with the
19 Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et
20 seq.).

21 SECTION 15. Subchapter B, Chapter 558, Occupations Code, is
22 amended by adding Section 558.059 to read as follows:

23 Sec. 558.059. EXAMINATION FEE REFUND. (a) The board may
24 retain all or part of an examination fee paid by an applicant who is
25 unable to take the examination.

26 (b) The board shall adopt policies allowing the board to
27 refund the examination fee paid by an applicant who:

1 (1) provides advance notice of the applicant's
2 inability to take the examination; or

3 (2) is unable to take the examination because of an
4 emergency.

5 (c) The board's policy must establish the required
6 notification period and the emergencies that warrant a refund.

7 (d) The board shall make efforts to ensure that the policy
8 does not conflict with the policy of a national testing body
9 involved in administering the examination.

10 SECTION 16. Section 558.101, Occupations Code, is amended
11 to read as follows:

12 Sec. 558.101. QUALIFICATIONS FOR LICENSE BY RECIPROCITY.

13 (a) To qualify for a license to practice pharmacy, an applicant
14 for licensing by reciprocity must:

15 (1) submit to the board:

16 (A) a reciprocity fee set by the board; and

17 (B) a completed application in the form
18 prescribed by the board, given under oath;

19 (2) be of good moral character;

20 (3) have graduated and received a professional
21 practice degree, as defined by board rule, from an accredited
22 pharmacy degree program approved by the board;

23 (4) ~~[have possessed, at the time of initial licensing~~
24 ~~as a pharmacist, other qualifications necessary to have been~~
25 ~~eligible for licensing at that time in this state,~~

26 ~~(5)]~~ have presented to the board:

27 (A) proof of current or initial licensing by

1 examination; and

2 (B) proof that the current license and any other
3 license granted to the applicant by another state has not been
4 restricted, suspended, revoked, or surrendered for any reason; and

5 (5) [~~(6)~~] pass the Texas Pharmacy Jurisprudence
6 examination.

7 (b) An applicant is not eligible for licensing by
8 reciprocity unless the state in which the applicant is currently or
9 was initially licensed as a pharmacist grants reciprocal licensing
10 to pharmacists licensed by examination in this state, under like
11 circumstances and conditions.

12 SECTION 17. Subsections (b), (c), and (d), Section 559.003,
13 Occupations Code, are amended to read as follows:

14 (b) A person whose license has been expired for 90 days or
15 less may renew the expired license by paying to the board [~~the~~
16 ~~required renewal fee and~~] a renewal fee that is equal to one and
17 one-half times the normally required renewal [~~of the examination~~]
18 fee for the license.

19 (c) A person whose license has been expired for more than 90
20 days but less than one year may renew the expired license by paying
21 to the board [~~all unpaid renewal fees and~~] a renewal fee that is
22 equal to two times the normally required renewal [~~examination~~]
23 fee for the license.

24 (d) A person whose [~~If a person's~~] license has been expired
25 for one year or more [~~, the person's license is considered to have~~
26 ~~been canceled and the person~~] may not renew the license. The person
27 may obtain a new license by complying with the requirements and

1 procedures for obtaining an original license, including the
2 examination requirement [~~unless the license is the subject of a~~
3 ~~pending investigation or disciplinary action~~].

4 SECTION 18. Section 560.052, Occupations Code, is amended
5 by amending Subsection (c) and adding Subsection (f) to read as
6 follows:

7 (c) To qualify for a Class E pharmacy license, an applicant,
8 in addition to satisfying the other requirements of this chapter,
9 must provide to the board:

10 (1) evidence that the applicant holds a pharmacy
11 license, registration, or permit in good standing issued by the
12 state in which the pharmacy is located;

13 (2) the name of the owner and pharmacist-in-charge of
14 the pharmacy for service of process;

15 (3) evidence of the applicant's ability to provide to
16 the board a record of a prescription drug order dispensed by the
17 applicant to a resident of this state not later than 72 hours after
18 the time the board requests the record; [~~and~~]

19 (4) an affidavit by the pharmacist-in-charge that
20 states that the pharmacist has read and understands the laws and
21 rules relating to a Class E pharmacy;

22 (5) proof of creditworthiness; and

23 (6) an inspection report issued:

24 (A) not more than two years before the date the
25 license application is received; and

26 (B) by the pharmacy licensing board in the state
27 of the pharmacy's physical location, except as provided by

1 Subsection (f).

2 (f) A Class E pharmacy may submit an inspection report
3 issued by an entity other than the pharmacy licensing board of the
4 state in which the pharmacy is physically located if:

5 (1) the state's licensing board does not conduct
6 inspections;

7 (2) the inspection is substantively equivalent to an
8 inspection conducted by the board, as determined by board rule; and

9 (3) the inspecting entity meets specifications
10 adopted by the board for inspecting entities.

11 SECTION 19. Section 561.003, Occupations Code, is amended
12 by amending Subsection (a) and adding Subsections (c), (d), and (e)
13 to read as follows:

14 (a) The board by rule shall establish:

15 (1) procedures to be followed for renewal of a
16 pharmacy license;

17 (2) the fees to be paid for renewal of a pharmacy
18 license; and

19 ~~(3) [penalties for late renewal of a pharmacy license,~~
20 ~~and~~

21 ~~[(4)]~~ the standards in each classification that each
22 pharmacy and the pharmacy's employees involved in the practice of
23 pharmacy must meet to qualify for relicensing as a pharmacy.

24 (c) A pharmacy whose license has been expired for 90 days or
25 less may renew the expired license by paying to the board a renewal
26 fee that is equal to one and one-half times the normally required
27 renewal fee for the license.

1 (d) A pharmacy whose license has been expired for more than
2 90 days but less than one year may renew the expired license by
3 paying to the board a renewal fee that is equal to two times the
4 normally required renewal fee for the license.

5 (e) If a pharmacy's license has been expired for one year or
6 more, the pharmacy may not renew the license. The pharmacy may
7 obtain a new license by complying with the requirements and
8 procedures for obtaining an original license.

9 SECTION 20. Chapter 561, Occupations Code, is amended by
10 adding Section 561.0031 to read as follows:

11 Sec. 561.0031. ADDITIONAL RENEWAL REQUIREMENT FOR CLASS E
12 PHARMACY. (a) In addition to the renewal requirements under
13 Section 561.003, the board shall require that a Class E pharmacy
14 have on file with the board an inspection report issued:

15 (1) not more than three years before the date the
16 renewal application is received; and

17 (2) by the pharmacy licensing board in the state of the
18 pharmacy's physical location, except as provided by Subsection (b).

19 (b) A Class E pharmacy may have on file with the board an
20 inspection report issued by an entity other than the pharmacy
21 licensing board of the state in which the pharmacy is physically
22 located if the requirements of Section 560.052(f) are met.

23 SECTION 21. Subchapter B, Chapter 562, Occupations Code, is
24 amended by adding Section 562.056 to read as follows:

25 Sec. 562.056. PRACTITIONER-PATIENT RELATIONSHIP REQUIRED.
26 (a) Before dispensing a prescription, a pharmacist shall
27 determine, in the exercise of sound professional judgment, that the

1 prescription is a valid prescription. A pharmacist may not dispense
2 a prescription drug if the pharmacist knows or should know that the
3 prescription was issued on the basis of an Internet-based or
4 telephonic consultation without a valid practitioner-patient
5 relationship.

6 (b) Subsection (a) does not prohibit a pharmacist from
7 dispensing a prescription when a valid practitioner-patient
8 relationship is not present in an emergency.

9 SECTION 22. Subchapter C, Chapter 562, Occupations Code, is
10 amended by adding Section 562.111 to read as follows:

11 Sec. 562.111. PRACTITIONER-PATIENT RELATIONSHIP REQUIRED.

12 (a) A pharmacy shall ensure that its agents and employees, before
13 dispensing a prescription, determine in the exercise of sound
14 professional judgment that the prescription is a valid
15 prescription. A pharmacy may not dispense a prescription drug if an
16 agent or employee of the pharmacy knows or should know that the
17 prescription was issued on the basis of an Internet-based or
18 telephonic consultation without a valid practitioner-patient
19 relationship.

20 (b) Subsection (a) does not prohibit a pharmacy from
21 dispensing a prescription when a valid practitioner-patient
22 relationship is not present in an emergency.

23 SECTION 23. Section 562.1045, Occupations Code, is amended
24 by adding Subsections (c) and (d) to read as follows:

25 (c) A pharmacy subject to this section shall post:

26 (1) on its initial home page general information on
27 how to file a complaint about the pharmacy with the board; and

1 (2) specific information on how to file a complaint
2 with the board not more than two links away from its initial home
3 page.

4 (d) Information under Subsection (c) must include the
5 board's telephone number, mailing address, and Internet website
6 address.

7 SECTION 24. Subsection (c), Section 564.051, Occupations
8 Code, is amended to read as follows:

9 (c) Funds and surcharges collected under this section shall
10 be deposited in the general revenue fund [~~account created under~~
11 ~~Section 554.007~~] and may only be used by the board to administer the
12 program authorized by this section, including providing for initial
13 evaluation and referral of an impaired pharmacist or pharmacy
14 student by a qualified health professional and paying the
15 administrative costs incurred by the board in connection with that
16 funding. The money may not be used for costs incurred for treatment
17 or rehabilitation after initial evaluation and referral.

18 SECTION 25. Subsection (a), Section 565.001, Occupations
19 Code, is amended to read as follows:

20 (a) The board may discipline an applicant for or the holder
21 of a current or expired license to practice pharmacy if the board
22 finds that the applicant or license holder has:

23 (1) violated this subtitle or a board rule adopted
24 under this subtitle;

25 (2) engaged in unprofessional conduct as defined by
26 board rule;

27 (3) engaged in gross immorality as defined by board

1 rule;

2 (4) developed an incapacity that prevents the
3 applicant or license holder from practicing pharmacy with
4 reasonable skill, competence, and safety to the public;

5 (5) engaged in fraud, deceit, or misrepresentation, as
6 defined by board rule, in practicing pharmacy or in seeking a
7 license to practice pharmacy;

8 (6) been convicted of or placed on deferred
9 adjudication community supervision or deferred disposition or the
10 applicable federal equivalent for:

11 (A) a misdemeanor:

12 (i) involving moral turpitude; or

13 (ii) under Chapter 481 or 483, Health and
14 Safety Code, or the Comprehensive Drug Abuse Prevention and Control
15 Act of 1970 (21 U.S.C. Section 801 et seq.); or

16 (B) a felony;

17 (7) used alcohol or drugs in an intemperate manner
18 that, in the board's opinion, could endanger a patient's life;

19 (8) failed to maintain records required by this
20 subtitle or failed to maintain complete and accurate records of
21 purchases or disposals of drugs listed in Chapter 481 or 483, Health
22 and Safety Code, or the Comprehensive Drug Abuse Prevention and
23 Control Act of 1970 (21 U.S.C. Section 801 et seq.);

24 (9) violated any provision of:

25 (A) Chapter 481 or 483, Health and Safety Code,
26 or the Comprehensive Drug Abuse Prevention and Control Act of 1970
27 (21 U.S.C. Section 801 et seq.), or rules relating to one of those

1 laws; or

2 (B) Section 485.031, 485.032, 485.033, or
3 485.034, Health and Safety Code;

4 (10) aided or abetted an unlicensed person in the
5 practice of pharmacy if the pharmacist knew or reasonably should
6 have known that the person was unlicensed at the time;

7 (11) refused entry into a pharmacy for an inspection
8 authorized by this subtitle if the pharmacist received notification
9 from which the pharmacist knew or reasonably should have known that
10 the attempted inspection was authorized;

11 (12) violated any pharmacy or drug statute or rule of
12 this state, another state, or the United States;

13 (13) been negligent in the practice of pharmacy;

14 (14) failed to submit to an examination after hearing
15 and being ordered to do so by the board under Section 565.052;

16 (15) dispensed a prescription drug while acting
17 outside the usual course and scope of professional practice; ~~or~~

18 (16) been disciplined by the regulatory board of
19 another state ~~[had a license to practice pharmacy issued by another~~
20 ~~state canceled, revoked, surrendered, or suspended]~~ for conduct
21 substantially equivalent to conduct described under this
22 subsection;

23 (17) violated a disciplinary order, including a
24 confidential order or contract under the program to aid impaired
25 pharmacists and pharmacy students under Chapter 564;

26 (18) failed to adequately supervise a task delegated
27 to a pharmacy technician;

1 (19) inappropriately delegated a task delegated to a
2 pharmacy technician; or

3 (20) been responsible for a drug audit shortage.

4 SECTION 26. Section 565.002, Occupations Code, is amended
5 to read as follows:

6 Sec. 565.002. APPLICANT FOR OR HOLDER OF PHARMACY LICENSE.

7 (a) The board may discipline an applicant for or the holder of a
8 pharmacy license, including a Class E pharmacy license subject to
9 Section 565.003(b), if the board finds that the applicant or
10 license holder has:

11 (1) been convicted of or placed on deferred
12 adjudication community supervision or deferred disposition or the
13 applicable federal equivalent for:

14 (A) a misdemeanor:

15 (i) involving moral turpitude; or

16 (ii) under Chapter 481 or 483, Health and
17 Safety Code, or the Comprehensive Drug Abuse Prevention and Control
18 Act of 1970 (21 U.S.C. Section 801 et seq.); or

19 (B) a felony [~~or, if the applicant or license~~
20 holder is a legal business entity, that a managing officer of the
21 applicant or license holder has been convicted of a misdemeanor
22 involving moral turpitude or a felony under the law of this state,
23 another state, or the United States];

24 (2) advertised a prescription drug or device in a
25 deceitful, misleading, or fraudulent manner;

26 (3) violated any provision of this subtitle or any
27 rule adopted under this subtitle or that an owner or employee of a

1 pharmacy has violated any provision of this subtitle or any rule
2 adopted under this subtitle;

3 (4) sold without legal authorization a prescription
4 drug or device to a person other than:

5 (A) a pharmacy licensed by the board;

6 (B) a practitioner;

7 (C) a person who procures a prescription drug or
8 device for lawful research, teaching, or testing, and not for
9 resale;

10 (D) a manufacturer or wholesaler licensed by the
11 commissioner of public health as required by Chapter 431, Health
12 and Safety Code; or

13 (E) a carrier or warehouseman;

14 (5) allowed an employee who is not a pharmacist to
15 practice pharmacy;

16 (6) sold an adulterated or misbranded prescription or
17 nonprescription drug;

18 (7) failed to engage in or ceased to engage in the
19 business described in the application for a license;

20 (8) failed to maintain records as required by this
21 subtitle, Chapter 481 or 483, Health and Safety Code, the
22 Comprehensive Drug Abuse Prevention and Control Act of 1970 (21
23 U.S.C. Section 801 et seq.), or any rule adopted under this subtitle
24 or Chapter 483, Health and Safety Code;

25 (9) failed to establish and maintain effective
26 controls against diversion of prescription drugs into other than a
27 legitimate medical, scientific, or industrial channel as provided

1 by this subtitle, another state statute or rule, or a federal
2 statute or rule; ~~[or]~~

3 (10) engaged in fraud, deceit, or misrepresentation as
4 defined by board rule in operating a pharmacy or in applying for a
5 license to operate a pharmacy;

6 (11) violated a disciplinary order;

7 (12) been responsible for a drug audit shortage; or

8 (13) been disciplined by the regulatory board of
9 another state for conduct substantially equivalent to conduct
10 described under this subsection.

11 (b) This subsection applies only to an applicant or license
12 holder that is a legal business entity. The board may discipline an
13 applicant for or the holder of a pharmacy license, including a Class
14 E pharmacy license, if the board finds that a managing officer of
15 the applicant or license holder has been convicted of or placed on
16 deferred adjudication community supervision or deferred
17 disposition or the applicable federal equivalent for:

18 (1) a misdemeanor:

19 (A) involving moral turpitude; or

20 (B) under Chapter 481 or 483, Health and Safety
21 Code, or the Comprehensive Drug Abuse Prevention and Control Act of
22 1970 (21 U.S.C. Section 801 et seq.); or

23 (2) a felony.

24 (c) A certified copy of the record of the state taking
25 action described by Subsection (a)(13) is conclusive evidence of
26 the action taken by that state.

27 SECTION 27. Section 565.051, Occupations Code, is amended

1 to read as follows:

2 Sec. 565.051. DISCIPLINE AUTHORIZED. [~~(a)~~] On a
3 determination that a ground for discipline exists under Subchapter
4 A, or that a violation of this subtitle or [~~to the extent~~
5 ~~authorized by Subsection (b),~~] a rule adopted under this
6 subtitle[~~7~~] has been committed by a license holder or applicant for
7 a license or renewal of a license, the board may:

8 (1) suspend the person's license;

9 (2) revoke the person's license;

10 (3) restrict the person's license to prohibit the
11 person from performing certain acts or from practicing pharmacy or
12 operating a pharmacy in a particular manner for a term and under
13 conditions determined by the board;

14 (4) impose an administrative penalty under Chapter
15 566;

16 (5) refuse to issue or renew the person's license;

17 (6) place the offender's license on probation and
18 supervision by the board for a period determined by the board and
19 impose a requirement that the license holder:

20 (A) report regularly to the board on matters that
21 are the basis of the probation;

22 (B) limit practice to the areas prescribed by the
23 board;

24 (C) continue or review professional education
25 until the license holder attains a degree of skill satisfactory to
26 the board in each area that is the basis of the probation; or

27 (D) pay the board a probation fee to defray the

1 costs of monitoring the license holder during the period of
2 probation;

3 (7) reprimand the person;

4 (8) retire the person's license as provided by board
5 rule; or

6 (9) impose more than one of the sanctions listed in
7 this subsection.

8 ~~[(b) On a determination that a rule of the board has been
9 violated, the board may impose only a sanction listed in Subsection
10 (a)(1), (3), (4), (6), or (7). This subsection does not preclude
11 imposition of any sanction for violation of a board rule regarding a
12 controlled substance.]~~

13 SECTION 28. Section 565.053, Occupations Code, is amended
14 to read as follows:

15 Sec. 565.053. DISCIPLINE OF CLASS E PHARMACY; NOTICE TO
16 RESIDENT STATE. The board shall give notice of ~~[(a) Except in the
17 case of an emergency that creates an immediate danger to the public
18 health or safety, before initiating]~~ a disciplinary action by the
19 board against the holder of a Class E pharmacy license to ~~[, the
20 board must file a complaint against the license holder with]~~ the
21 regulatory or licensing agency of the state in which the pharmacy is
22 located.

23 ~~[(b) The board may initiate the board's own action to
24 discipline the holder of a Class E pharmacy license if the
25 regulatory or licensing agency of the state in which the pharmacy is
26 located:~~

27 ~~[(1) fails to initiate an action before the 61st day~~

1 ~~after the date the board files a complaint under this section,~~

2 ~~[(2) fails to resolve the complaint on or before the~~
3 ~~181st day after the date the complaint is filed, or~~

4 ~~[(3) lacks or fails to exercise jurisdiction.]~~

5 SECTION 29. Section 565.059, Occupations Code, is amended
6 to read as follows:

7 Sec. 565.059. TEMPORARY SUSPENSION OF LICENSE OR
8 REGISTRATION. (a) The president of the board shall appoint a
9 three-member disciplinary panel consisting of board members to
10 determine whether a license or registration under this subtitle
11 should be temporarily suspended or restricted. If a majority of the
12 disciplinary panel [~~board~~] determines from evidence or information
13 presented to the panel [~~board~~] that the holder of a license or
14 registration [~~pharmacist~~] by continuation in practice would
15 constitute a continuing threat to the public welfare, the panel
16 [~~board~~] shall temporarily suspend the [~~pharmacist's~~] license or
17 registration.

18 (b) The disciplinary panel [~~board~~] may temporarily suspend
19 the license or registration without notice or hearing if, at the
20 time the suspension is ordered, a hearing before the panel [~~board~~]
21 on whether disciplinary proceedings under this chapter should be
22 initiated against the [~~license~~] holder of a license or registration
23 is scheduled to be held not later than the 14th day after the date of
24 the suspension.

25 (c) A second hearing on the suspended license or
26 registration shall be held by the State Office of Administrative
27 Hearings not later than the 60th day after the date of the

1 suspension. If the State Office of Administrative Hearings does
2 not hold the second hearing in the time required by this subsection,
3 the suspended license or registration is automatically reinstated.

4 (d) Notwithstanding Chapter 551, Government Code, the
5 disciplinary panel may hold a meeting by telephone conference call
6 if immediate action is required and convening of the panel at one
7 location is inconvenient for any member of the disciplinary panel.

8 SECTION 30. Section 566.002, Occupations Code, is amended
9 by amending Subsection (a) and adding Subsection (d) to read as
10 follows:

11 (a) The [~~Except as provided by this subsection, the~~] amount
12 of the administrative penalty may not exceed \$5,000 [~~\$2,500~~] for
13 each violation, including [~~. The amount of the administrative~~
14 ~~penalty for~~] a violation involving the diversion of a controlled
15 substance [~~may not exceed \$5,000 for each violation~~].

16 (d) The board by rule shall adopt an administrative penalty
17 schedule for violations of this subtitle or board rules to ensure
18 that the amounts of penalties imposed are appropriate to the
19 violation.

20 SECTION 31. Subsection (a), Section 566.051, Occupations
21 Code, is amended to read as follows:

22 (a) The attorney general at the request of the board may
23 petition a district court for an injunction to prohibit a person who
24 is violating this subtitle from continuing the violation.

25 SECTION 32. Subchapter B, Chapter 566, Occupations Code, is
26 amended by adding Section 566.052 to read as follows:

27 Sec. 566.052. CEASE AND DESIST ORDER. (a) If it appears to

1 the board that a person is engaging in an act or practice that
2 constitutes the practice of pharmacy without a license or
3 registration under this subtitle, the board, after notice and
4 opportunity for a hearing, may issue a cease and desist order
5 prohibiting the person from engaging in the activity.

6 (b) A violation of an order issued under this section
7 constitutes grounds for imposing an administrative penalty under
8 Subchapter A.

9 SECTION 33. Section 568.003, Occupations Code, is amended
10 to read as follows:

11 Sec. 568.003. GROUNDS FOR [~~REFUSAL TO ISSUE OR RENEW~~
12 ~~REGISTRATION;~~] DISCIPLINARY ACTION. (a) The board may take
13 disciplinary action under Section 568.0035 [~~refuse to issue or~~
14 ~~renew a registration or may suspend or revoke any registration~~
15 ~~issued by the board] if the board determines that the applicant or
16 registrant has:~~

17 (1) violated this subtitle or a rule adopted under
18 this subtitle;

19 (2) engaged in gross immorality, as that term is
20 defined by the rules of the board;

21 (3) engaged in any fraud, deceit, or
22 misrepresentation, as those terms are defined by the rules of the
23 board, in seeking a registration to act as a pharmacy technician;

24 (4) been convicted of or placed on deferred
25 adjudication community supervision or deferred disposition or the
26 applicable federal equivalent for:

27 (A) a misdemeanor:

1 (i) involving moral turpitude; or
2 (ii) under Chapter 481 or 483, Health and
3 Safety Code, or the Comprehensive Drug Abuse Prevention and Control
4 Act of 1970 (21 U.S.C. Section 801 et seq.); or

5 (B) a felony;

6 (5) a drug or alcohol dependency;

7 (6) violated:

8 (A) Chapter 481 or 483, Health and Safety Code,
9 or rules relating to those chapters;

10 (B) Sections 485.031-485.035, Health and Safety
11 Code; or

12 (C) a rule adopted under Section 485.011, Health
13 and Safety Code;

14 (7) violated the pharmacy or drug laws or rules of this
15 state, another state, or the United States; or

16 (8) had a registration as a pharmacy technician issued
17 by another state revoked, surrendered, or suspended for conduct
18 substantially equivalent to conduct described by Subdivisions
19 (1)-(6).

20 (b) A certified copy of the record of a state taking action
21 described by Subsection (a)(8) is conclusive evidence of the action
22 taken by the state.

23 SECTION 34. Chapter 568, Occupations Code, is amended by
24 adding Section 568.0035 to read as follows:

25 Sec. 568.0035. DISCIPLINE AUTHORIZED. On a determination
26 that a ground for discipline exists under Section 568.003, the
27 board may:

- 1 (1) suspend the person's registration;
- 2 (2) revoke the person's registration;
- 3 (3) restrict the person's registration to prohibit the
4 person from performing certain acts or from practicing as a
5 pharmacy technician in a particular manner for a term and under
6 conditions determined by the board;
- 7 (4) impose an administrative penalty under Chapter
8 566;
- 9 (5) refuse to issue or renew the person's
10 registration;
- 11 (6) place the offender's registration on probation and
12 supervision by the board for a period determined by the board and
13 impose a requirement that the registrant:
 - 14 (A) report regularly to the board on matters that
15 are the basis of the probation;
 - 16 (B) limit practice to the areas prescribed by the
17 board;
 - 18 (C) continue or review professional education
19 until the registrant attains a degree of skill satisfactory to the
20 board in each area that is the basis of the probation; or
 - 21 (D) pay the board a probation fee to defray the
22 costs of monitoring the registrant during the period of probation;
- 23 (7) reprimand the person;
- 24 (8) retire the person's registration as provided by
25 board rule; or
- 26 (9) impose more than one of the sanctions listed in
27 this section.

1 SECTION 35. Chapter 568, Occupations Code, is amended by
2 adding Section 568.007 to read as follows:

3 Sec. 568.007. REGISTRATION OF PHARMACY TECHNICIAN TRAINEE.

4 (a) A person must register with the board before beginning work in
5 a pharmacy in this state as a pharmacy technician trainee.

6 (b) An application for registration as a pharmacy
7 technician trainee must be on a form prescribed by the board.

8 (c) A person's registration as a pharmacy technician
9 trainee remains in effect as long as the person meets the
10 qualifications specified by board rule.

11 (d) The board may, on a determination that a ground for
12 discipline exists under Section 568.003, take disciplinary action
13 against a pharmacy technician trainee under Section 568.0035.

14 SECTION 36. The legislature finds that:

15 (1) prescription drugs are expensive to the point that
16 some residents of this state have been forced to choose between
17 purchasing prescription drugs and paying for other essentials, such
18 as groceries or rent;

19 (2) prescription drugs can be purchased at much lower
20 costs in Canada;

21 (3) scams offering low-cost prescription drugs are
22 prevalent on the Internet and in spam e-mail, and these practices
23 make it difficult for consumers in this state to determine how and
24 where to purchase safe and effective prescription drugs at
25 affordable prices;

26 (4) the Regulatory Procedures Manual of the United
27 States Food and Drug Administration authorizes agency personnel to

1 allow the importation of products regulated by that agency when the
2 quantity and purpose are clearly for personal use and the product
3 does not present an unreasonable risk to the user; and

4 (5) other states and municipalities provide Internet
5 websites and other methods to allow residents of those states or
6 municipalities to safely purchase prescription drugs from Canada.

7 SECTION 37. Subchapter A, Chapter 554, Occupations Code, is
8 amended by adding Section 554.016 to read as follows:

9 Sec. 554.016. CANADIAN PHARMACY INSPECTION; DESIGNATION;
10 FEES; INFORMATION. (a) The board shall designate at least one and
11 not more than 10 Canadian pharmacies whose primary business is to
12 dispense prescription drugs under prescription drug orders to
13 Canadian residents, as having passed inspection by the board for
14 shipping, mailing, or delivering to this state a prescription
15 dispensed under a prescription drug order to a resident in this
16 state.

17 (b) The board by rule shall set fees in amounts reasonable
18 and necessary to cover the costs incurred by the board in inspecting
19 Canadian pharmacies as provided by Subsection (a).

20 (c) The board shall establish and maintain an Internet
21 website to provide information necessary to enable residents of
22 this state to conveniently order prescription drugs from Canadian
23 pharmacies designated by the board as having passed inspection to
24 dispense prescription drugs to residents in this state in
25 accordance with this subtitle and board rules. The board shall
26 include on the website a statement that the board is not liable for
27 any act or omission of a Canadian pharmacy designated as having

1 passed inspection to dispense prescription drugs to residents in
2 this state.

3 SECTION 38. Subchapter B, Chapter 556, Occupations Code, is
4 amended by adding Section 556.0555 to read as follows:

5 Sec. 556.0555. INSPECTIONS. (a) At least annually, the
6 board shall conduct random inspections of Canadian pharmacies
7 designated under Section 554.016 as necessary to ensure compliance
8 with the safety standards and other requirements of this subtitle
9 and board rules.

10 (b) Notwithstanding the requirements of this chapter, the
11 board by rule may establish the standards and procedures for
12 inspections under this section.

13 (c) The board may enter into a written agreement with
14 another state for an agency or employee of the state to perform
15 services for the board related to inspecting a Canadian pharmacy
16 designated by the board under Section 554.016 to dispense
17 prescription drugs to residents in this state. This subsection
18 does not apply to the initial inspection of the pharmacy.

19 SECTION 39. Section 560.001, Occupations Code, is amended
20 by adding Subsection (c) to read as follows:

21 (c) A pharmacy located in Canada may not ship, mail, or
22 deliver to this state a prescription drug dispensed under a
23 prescription drug order to a resident of this state unless the
24 pharmacy is designated by the board under Section 554.016.

25 SECTION 40. Subchapter B, Chapter 560, Occupations Code, is
26 amended by adding Section 560.0525 to read as follows:

27 Sec. 560.0525. ADDITIONAL QUALIFICATION REQUIREMENTS FOR

1 CANADIAN PHARMACIES. (a) To pass an inspection by the board, a
2 Canadian pharmacy must meet Texas licensing standards.

3 (b) In addition to satisfying the other requirements of this
4 chapter, to qualify for designation by the board under Section
5 554.016, a Canadian pharmacy applicant must submit to the board:

6 (1) evidence satisfactory to the board that the
7 applicant holds a pharmacy license, registration, or permit in good
8 standing issued by Canada or the Canadian province in which the
9 pharmacy is located and is not subject to any pending disciplinary
10 action or legal action by any regulatory authority;

11 (2) the name and address of the pharmacy's owner and
12 pharmacist-in-charge for service of process;

13 (3) evidence of the applicant's ability to provide to
14 the board, not later than 72 hours after the time the board requests
15 the record, a record of a prescription drug order authorizing the
16 pharmacy to dispense a prescription drug to a resident of this
17 state;

18 (4) an affidavit by the pharmacist-in-charge that
19 states the pharmacist has read and understands this subtitle and
20 the rules adopted under this subtitle that relate to a Canadian
21 pharmacy designated by the board as having passed inspection to
22 dispense prescription drugs to residents in this state;

23 (5) evidence satisfactory to the board that the
24 applicant meets the standards established by board rule to ensure
25 customer safety for each order filled and in the dispensing,
26 storing, packaging, shipping, and delivering of prescription
27 drugs; and

1 (6) evidence satisfactory to the board that the
2 applicant's employees hold the appropriate Canadian licenses
3 required to dispense prescription drugs in Canada.

4 (c) Before a Canadian pharmacy is designated as having
5 passed inspection to dispense prescription drugs to residents in
6 this state, a representative of the board shall visit the
7 pharmacy's facilities and review the pharmacy's compliance with the
8 requirements and safety standards established under this subtitle.

9 SECTION 41. Section 562.101, Occupations Code, is amended
10 by adding Subsection (f-1) to read as follows:

11 (f-1) A Canadian pharmacy designated by the board as having
12 passed inspection to dispense prescription drugs to residents in
13 this state is required to be under the continuous on-site
14 supervision of a pharmacist and shall designate one pharmacist
15 licensed to practice pharmacy by the regulatory or licensing agency
16 of Canada or of the Canadian province in which the Canadian pharmacy
17 is located to serve as the pharmacist-in-charge of the Canadian
18 pharmacy.

19 SECTION 42. Subchapter C, Chapter 562, Occupations Code, is
20 amended by adding Section 562.111 to read as follows:

21 Sec. 562.111. PRESCRIPTION DRUG ORDER FOR CONSUMER. (a) A
22 pharmacy in this state may order for a consumer a prescription drug
23 from a Canadian pharmacy designated by the board under Section
24 554.016 to dispense prescription drugs to residents in this state.

25 (b) A pharmacy may order a prescription drug under this
26 section only with the knowledge and clear consent of the consumer.

27 SECTION 43. Chapter 562, Occupations Code, is amended by

1 adding Subchapter E to read as follows:

2 SUBCHAPTER E. PRACTICE BY CANADIAN PHARMACY

3 Sec. 562.201. ADDITIONAL PRACTICE REQUIREMENTS. In
4 addition to complying with the other requirements of this chapter,
5 a Canadian pharmacy designated by the board under Section 554.016
6 shall:

7 (1) dispense a prescription drug to a resident of this
8 state only under the lawful order of a practitioner licensed in the
9 United States;

10 (2) dispense to a resident of this state only a
11 prescription drug that is approved by Canada's Therapeutic Products
12 Directorate for sale to residents of Canada;

13 (3) dispense to a resident of this state a
14 prescription drug in the original, unopened manufacturer's
15 packaging whenever possible; and

16 (4) dispense to a resident of this state only drugs
17 prescribed for long-term use.

18 Sec. 562.202. LIMITATIONS ON PRACTICE. A Canadian pharmacy
19 designated by the board under Section 554.016 to dispense
20 prescription drugs to residents in this state may not:

21 (1) dispense to a resident of this state a
22 prescription drug for which there is not an equivalent drug
23 approved by the United States Food and Drug Administration for sale
24 in the United States;

25 (2) dispense to a resident of this state a
26 prescription drug that cannot be safely shipped by mail, common
27 carrier, or delivery service;

1 (3) dispense in one order to a resident of this state a
2 quantity of a prescription drug that exceeds:

3 (A) a three-month supply; or

4 (B) the amount ordered by the practitioner;

5 (4) fill a prescription drug order for a consumer who
6 is a resident of this state that the consumer indicates is the
7 consumer's first prescription for that drug; or

8 (5) dispense to a resident of this state any of the
9 following:

10 (A) a substance designated as a controlled
11 substance under Chapter 481, Health and Safety Code (Texas
12 Controlled Substances Act);

13 (B) a biological product, as described by Section
14 351, Public Health Service Act (42 U.S.C. Section 262);

15 (C) an infused drug, including a peritoneal
16 dialysis solution;

17 (D) an intravenously injected drug; or

18 (E) a drug that is inhaled during surgery.

19 Sec. 562.203. COMPLAINT REPORT. A Canadian pharmacy
20 designated by the board under Section 554.016 to dispense
21 prescription drugs to residents in this state shall provide to the
22 board periodic reports in accordance with board rules on each
23 complaint received by the pharmacy from a consumer in this state who
24 purchases a prescription drug from the pharmacy.

25 Sec. 562.204. PRICE LIST. A Canadian pharmacy designated
26 by the board under Section 554.016 shall:

27 (1) compile and maintain a current price list for

1 prescription drugs provided to residents in this state; and

2 (2) guarantee those prices for not less than 30 days
3 from the date the list is effective.

4 SECTION 44. (a) Subsections (o) and (p), Section 481.074,
5 Health and Safety Code, are amended to read as follows:

6 (o) A pharmacist may dispense a Schedule II controlled
7 substance pursuant to a facsimile copy of an official prescription
8 completed in the manner required by Section 481.075 and transmitted
9 by the practitioner or the practitioner's agent to the pharmacy if:

10 (1) the prescription is written for:

11 (A) a Schedule II narcotic or nonnarcotic
12 substance for a patient in a long-term care facility (LTCF), and the
13 practitioner notes on the prescription "LTCF patient";

14 (B) a Schedule II narcotic product to be
15 compounded for the direct administration to a patient by
16 parenteral, intravenous, intramuscular, subcutaneous, or
17 intraspinal infusion; or

18 (C) a Schedule II narcotic substance for a
19 patient with a medical diagnosis documenting a terminal illness or
20 a patient enrolled in a hospice care program certified or paid for
21 by Medicare under Title XVIII, Social Security Act (42 U.S.C.
22 Section 1395 et seq.), as amended, or a hospice program that is
23 licensed under Chapter 142, and the practitioner or the
24 practitioner's agent notes on the prescription "terminally ill" or
25 "hospice patient"; and

26 (2) after transmitting the prescription, the
27 prescribing practitioner or the practitioner's agent:

1 (A) writes across the face of the official
2 prescription "VOID--sent by fax to (name and telephone number of
3 receiving pharmacy)"; and

4 (B) files the official prescription in the
5 patient's medical records instead of delivering it to the patient
6 [promptly complies with Subsection (p)].

7 ~~(p) [Not later than the seventh day after the date a~~
8 ~~prescribing practitioner transmits the facsimile copy of the~~
9 ~~official prescription to the pharmacy, the prescribing~~
10 ~~practitioner shall deliver in person or mail the official written~~
11 ~~prescription to the dispensing pharmacist at the pharmacy where the~~
12 ~~prescription was dispensed. The envelope of a prescription~~
13 ~~delivered by mail must be postmarked not later than the seventh day~~
14 ~~after the date the official prescription was written.]~~ On receipt
15 of the prescription, the dispensing pharmacy shall file the
16 facsimile copy of the prescription [~~with the official prescription~~]
17 and shall send information to the director as required by Section
18 481.075.

19 (b) This section takes effect immediately if this Act
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this section takes effect September 1, 2005.

24 SECTION 45. Subsection (a), Section 565.003, and Section
25 565.060, Occupations Code, are repealed.

26 SECTION 46. On the effective date of this Act the state
27 pharmacy account is abolished and the comptroller of public

1 accounts shall transfer money in the account to the general revenue
2 fund.

3 SECTION 47. (a) The changes in law made by this Act to
4 Section 552.004, Occupations Code, do not affect the entitlement of
5 a member serving on the Texas State Board of Pharmacy immediately
6 before September 1, 2005, to continue to serve and function as a
7 member of the Texas State Board of Pharmacy for the remainder of the
8 term the member is serving on that date. Those changes in law apply
9 only to a member appointed on or after September 1, 2005.

10 (b) The changes in law made by this Act governing the
11 eligibility of a person or pharmacy for a license under Chapter 558
12 or 560, Occupations Code, apply only to an application for a license
13 filed with the Texas State Board of Pharmacy on or after the
14 effective date of this Act. A license application filed before the
15 effective date of this Act is governed by the law in effect at the
16 time the application was filed, and the former law is continued in
17 effect for that purpose.

18 (c) Sections 559.003 and 561.003, Occupations Code, as
19 amended by this Act, and Section 561.0031, Occupations Code, as
20 added by this Act, apply only to the renewal of a license to
21 practice pharmacy or a pharmacy license that expires on or after the
22 effective date of this Act. A license that expires before that date
23 is governed by the law in effect on the date the license expires,
24 and the former law is continued in effect for that purpose.

25 (d) The changes in law made by this Act to Chapter 565,
26 Occupations Code, relating to conduct that is grounds for
27 imposition of a disciplinary sanction apply only to conduct that

1 occurs on or after the effective date of this Act. Conduct that
2 occurs before the effective date of this Act is governed by the law
3 in effect on the date the conduct occurred, and the former law is
4 continued in effect for that purpose.

5 SECTION 48. (a) Not later than the 30th day after the
6 effective date of this Act, the Texas State Board of Pharmacy shall
7 adopt the initial rules necessary to implement the changes in law
8 made by this Act to Subtitle J, Title 3, Occupations Code, in the
9 manner provided by law for adoption of emergency rules. This
10 subsection expires January 1, 2006.

11 (b) Not later than January 1, 2006, the Texas State Board of
12 Pharmacy shall adopt the rules necessary to implement the changes
13 in law made by this Act to Subtitle J, Title 3, Occupations Code.

14 (c) The requirements for a Canadian pharmacy to be
15 designated under Section 554.016, Occupations Code, as added by
16 this Act, to dispense prescription drugs in this state under
17 Subtitle J, Title 3, Occupations Code, as amended by this Act, take
18 effect March 1, 2006.

19 SECTION 49. Except as otherwise provided by this Act, this
20 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 410 passed the Senate on May 5, 2005, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendments on May 29, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 410 passed the House, with amendments, on May 23, 2005, by the following vote: Yeas 141, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor