

## **BILL ANALYSIS**

CSHB 3078  
By: Delisi  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Chapter 431 of the Health and Safety Code was amended during the 77th Legislature to add new subchapter M, the Texas Drug Donation Program. The intent of the legislation was to establish a program where certain unused prescription drugs could be donated to charitable medical clinics and redistributed, under the direction of a licensed pharmacist, to financially disadvantaged patients. The 78th Legislature also passed legislation to allow for the reclamation and reuse of certain unused prescription drugs from long term care facilities.

CSHB 3078 expands the drug reclamation program by allowing certain licensed health care professionals in a penal institution to return certain unused prescription drugs to a pharmacy. The legislation also clarifies that a community pharmaceutical access program may receive donated drugs.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTION 1 of this bill.

### **ANALYSIS**

CSHB 3078 allows a licensed health care professional responsible for administration of drugs in a penal institution, as defined by Section 1.07, of the Penal Code, to return certain unused drugs to the pharmacy from which they were purchased. It requires the Texas State Board of Pharmacy (board) to adopt rules, policies, and procedures necessary to inform the Health and Human Services Commission of the drugs returned from a penal institution. CSHB 3078 also expands the definition of a "charitable medical clinic," and defines a "community pharmaceutical access program."

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute bill modifies the original by providing that licensed health care professionals who are responsible for administration of drugs in a penal institution, in addition to pharmacists who practice in or serve as a consultant in a penal institution, may return certain unused drugs to the pharmacy from which they were purchased. The substitute changes the definition of a "charitable medical clinic" from including certain patient assistance programs or charitable pharmacies, to including a licensed pharmacy that is a community pharmaceutical access program provider. The substitute adds the definition of a "community pharmaceutical access program," and deletes the provision providing that a charitable drug donor who acts within the scope of Section 431.322, Health and Safety Code, is not required to hold a certain license.