

## **BILL ANALYSIS**

Senate Research Center  
80R945 MCK-D

S.B. 164  
By: Deuell  
Health & Human Services  
2/22/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not provide for prioritization in the distribution of the influenza vaccine. In years when there is a shortage of the vaccine, acquisition of the vaccine can be difficult for physicians because they often receive it after retail establishments have already distributed the vaccine to customers. It is important for physicians to receive the vaccines prior to retail establishments because the physicians can check the entire health of a patient and better ensure that at-risk groups get the vaccines first.

As proposed, S.B. 164 requires wholesale distributors of prescription drugs in Texas to give priority to physicians and other licensed health care providers authorized to administer the influenza vaccine over retail establishments. S.B. 164 requires the executive commissioner of the Health and Human Services Commission to establish rules to enforce the prioritization requirement for the distribution of the influenza vaccine

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 431.117, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 431, Health and Safety Code, by adding Section 431.117, as follows:

Sec. 431.117. **PRIORITY FOR HEALTH CARE PROVIDERS IN THE DISTRIBUTION OF INFLUENZA VACCINE.** (a) Requires a person who engages in the wholesale distribution of prescription drugs in this state to give priority to a physician or other licensed health care provider authorized to administer influenza vaccine over retail establishments in filling orders of influenza vaccine.

(b) Requires a manufacturer of prescription drugs to give priority to a physician or other licensed health care provider authorized to administer influenza vaccine over retail establishments in filling orders of influenza vaccine.

(c) Requires the executive commissioner of the Health and Human Services Commission to adopt rules to enforce this section. Requires that the rules ensure, to the extent practicable, that physicians or other licensed health care providers authorized to administer influenza vaccine receive influenza vaccine in an amount sufficient to administer to the patients served by the health care providers.

SECTION 2. Effective date: September 1, 2007.