

BILL ANALYSIS

S.B. 1896
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 431, Health and Safety Code, establishes the Texas Drug Donation Program so that unused pharmaceutical drugs may be recycled and redistributed to charitable medical clinics. Currently, the program does not specify whether clinics, offices, and hospitals that are not licensed as wholesale distributors of pharmacy drugs are authorized to donate unused medication to charitable clinics. In addition, it is unclear whether charitable donors may donate additional medications to non-affiliated charitable medical clinics.

S.B. 1896 authorizes a licensed health care professional responsible for administration of drugs in a penal institution in this state to return to a pharmacy certain unused drugs. The bill clarifies the term "charitable medical clinic" to include a patient assistance program or charitable pharmacy. In addition, the bill provides that a drug donor is not required to be licensed as a wholesale distributor of pharmacy drugs.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 562.1085(a), (b), and (e), Occupations Code, as follows:

- (a) Authorizes a licensed health care professional responsible for administration of drugs in a penal institution, as defined by Section 1.07, Penal Code, in this state to return to a pharmacy certain unused drugs, other than a controlled substance as defined by Chapter 481 (Texas Controlled Substance Act), Health and Safety Code, purchased from the pharmacy as provided by the Texas State Board of Pharmacy (board) rule.
- (b) Prohibits a penal institution from returning a drug that that has been compounded, appears on inspection to be adulterated, requires refrigeration or has less than 120 days until the expiration date or end of the shelf life.
- (e) Requires the board to adopt the rules, policies, and procedures necessary to administer this section, including rules that require a penal institution to inform the Health and Human Services Commission of certain medicines returned to a pharmacy.

SECTION 2. Amends Section 431.321(a), Health and Safety Code, by amending Subsection (a) and adding Subsection (d-1), as follows:

- (a) Redefines "charitable medical clinic."
- (d-1) Defines "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.