

By: Dukes

H.B. No. 533

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a prescription drug retail price registry and  
3 disclosure of a list of prescription drug retail prices.

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

5 SECTION 1. Subchapter B, Chapter 531, Government Code, is  
6 amended by adding Section 531.093 to read as follows:

7 Sec. 531.093. PRESCRIPTION DRUG RETAIL PRICE REGISTRY. (a)

8 In this section, "retail price":

9 (1) means the actual price to be paid to a pharmacy by  
10 a retail purchaser for a drug listed under Section 562.252,  
11 Occupations Code, at the listed dosage, including the charge for  
12 the cost of the medication and the dispensing fee; and

13 (2) may not be more than the pharmacy's usual and  
14 customary or posted or advertised charge.

15 (b) The commission shall establish a drug retail price  
16 registry to make retail price information for the 150 most  
17 frequently prescribed prescription drugs in the state readily  
18 available to consumers.

19 (c) The registry created by the commission under Subsection  
20 (b) must:

21 (1) contain at each pharmacy in the state other than a  
22 Class E pharmacy, as described by Section 560.051(f), Occupations  
23 Code, the retail price of each drug described by Subsection (b);

24 (2) be updated at least weekly, or as directed by the

1 commissioner, to reflect the most current price  
2 information available to the commission;

3 (3) be organized in a format that is conducive to  
4 review by consumers and comparison of retail prices within each zip  
5 code in the state; and

6 (4) include the name and address of each pharmacy.

7 (d) The commission shall make the information contained in  
8 the registry available in English and Spanish on its website.

9 (e) The website must:

10 (1) contain the information required by Subsection  
11 (c);

12 (2) be designed so that the consumer may download and  
13 print the displayed information;

14 (3) include links to other governmental information  
15 resources that provide information relating to the regulation of  
16 prescription drugs and state and federal health care coverage and  
17 pharmaceutical assistance programs;

18 (4) include an advisory statement alerting a consumer  
19 of the need to tell the consumer's health care practitioner and  
20 pharmacist about all the medications the consumer may be taking and  
21 to ask the practitioner or pharmacist how to avoid harmful  
22 interactions between those drugs, if any; and

23 (5) contain clearly understandable language that  
24 assists consumers in understanding the content of and how to access  
25 the information made available on the website.

26 (f) The commission may require a pharmacy to provide  
27 information the commission considers necessary to administer this

1 section.

2 (g) The commission may contract with a public or private  
3 entity to develop, administer, or maintain the registry established  
4 under this section. A contract entered into under this subsection  
5 must specify the duties and responsibilities of the entity with  
6 respect to the development, administration, and maintenance of the  
7 registry. The commission shall monitor the work of any entity with  
8 which the commission contracts under this subsection to ensure that  
9 the registry is developed, administered, and maintained under the  
10 requirements of this section.

11 (h) The commission shall adopt rules necessary to  
12 administer this section.

13 SECTION 2. Chapter 562, Occupations Code, is amended by  
14 adding Subchapter F to read as follows:

15 SUBCHAPTER F. DRUG RETAIL PRICE DISCLOSURE

16 Sec. 562.251. DEFINITION. In this section, "retail price"  
17 has the meaning assigned by Section 531.093, Government Code.

18 Sec. 562.252. COMMISSION DUTY TO COMPILE LIST. The Health  
19 and Human Services Commission shall compile annually a list of the  
20 150 most frequently dispensed prescription drugs in the state,  
21 including the usual dosages of those drugs. The commission shall  
22 provide the list free of charge to license holders for use by the  
23 license holders to produce the drug retail price list required by  
24 this subchapter.

25 Sec. 562.253. PRESCRIPTION DRUG RETAIL PRICE LIST. (a) A  
26 pharmacy shall compile a prescription drug retail price list  
27 containing:

1           (1) the names of the prescription drugs on the list  
2 provided by the Health and Human Services Commission as required by  
3 Section 562.252;

4           (2) the pharmacy's actual retail price for each drug at  
5 the listed dosage; and

6           (3) the date of the most recent update to the list.

7           (b) A pharmacy shall update the pharmacy's retail price for  
8 each drug on the list at least once a week. This subchapter does not  
9 prevent a pharmacy from changing the current retail price of a drug  
10 at any time, provided the listed price is updated at least once a  
11 week to reflect the new retail price.

12           (c) A pharmacy shall provide the pharmacy's prescription  
13 drug retail price list to consumers on request.

14           (d) The prescription drug retail price list must include an  
15 advisory statement prepared by the Health and Human Services  
16 Commission alerting a consumer of the need to tell the consumer's  
17 health care practitioner and pharmacist about all the medications  
18 the consumer may be taking and to ask the health care practitioner  
19 and pharmacist how to avoid any harmful interactions between those  
20 medications, if any.

21           (e) This section does not apply to a Class E pharmacy.

22           SECTION 3. (a) The Health and Human Services Commission  
23 shall adopt rules required by Section 531.093, Government Code, as  
24 added by this Act, not later than November 1, 2007.

25           (b) The Health and Human Services Commission shall  
26 establish the drug retail price registry required by Section  
27 531.093, Government Code, as added by this Act, not later than

1 January 2, 2008.

2 SECTION 4. A pharmacy subject to the requirements of this  
3 Act shall compile the prescription drug retail price list required  
4 by Subchapter F, Chapter 562, Occupations Code, as added by this  
5 Act, not later than March 1, 2008, and shall provide the list to  
6 consumers on and after that date.

7 SECTION 5. This Act takes effect September 1, 2007.