

By: Deuell

S.B. No. 164

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to priority for health care providers in the distribution  
3 of certain vaccines.

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

5 SECTION 1. Subchapter E, Chapter 431, Health and Safety  
6 Code, is amended by adding Section 431.117 to read as follows:

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

13 (b) A manufacturer of prescription drugs shall give  
14 priority to a physician or other licensed health care provider  
15 authorized to administer influenza vaccine over retail  
16 establishments in filling orders for influenza vaccine.

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

23 SECTION 2. This Act takes effect September 1, 2007.