

By: Nelson

S.B. No. 994

A BILL TO BE ENTITLED

AN ACT

relating to prescriptions for certain controlled substances.

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

SECTION 1. Subsections (g) and (h), Section 481.074, Health and Safety Code, are amended to read as follows:

(g) A person may not dispense a controlled substance in Schedule III or IV that is a prescription drug under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.) without a written, oral, or telephonically or electronically communicated prescription of a practitioner defined by Section 481.002(39)(A) or (D), except that the practitioner may dispense the substance directly to an ultimate user. A prescription for a controlled substance listed in Schedule III or IV may not be filled or refilled later than six months after the date on which the prescription is issued and may not be refilled more than five times, unless the prescription is renewed by the practitioner. A prescription under this subsection must comply with other applicable state and federal laws.

(h) A pharmacist may dispense a controlled substance listed in Schedule III, IV, or V under a [an original] written, oral, or telephonically or electronically communicated prescription issued by a practitioner defined by Section 481.002(39)(C) and only if the pharmacist determines that the prescription was issued for a valid medical purpose and in the course of professional practice. A

1 prescription issued under this subsection may not be filled or
2 refilled later than six months after the date the prescription is
3 issued[~~7~~] and [~~a prescription authorized to be refilled on the~~
4 ~~original prescription~~] may not be refilled more than five times,
5 unless the prescription is renewed by the practitioner.

6 SECTION 2. The changes in law made by this Act apply to
7 conduct that occurs on or after the effective date of this Act.
8 Conduct that occurs before that date is governed by the law in
9 effect when the conduct occurs, and the former law is continued in
10 effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2007.