

1-1 By: Nelson S.B. No. 994
1-2 (In the Senate - Filed February 28, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 26, 2007, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; March 26, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to prescriptions for certain controlled substances.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsections (g) and (h), Section 481.074, Health
1-11 and Safety Code, are amended to read as follows:

1-12 (g) A person may not dispense a controlled substance in
1-13 Schedule III or IV that is a prescription drug under the Federal
1-14 Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.) without
1-15 a written, oral, or telephonically or electronically communicated
1-16 prescription of a practitioner defined by Section 481.002(39)(A) or
1-17 (D), except that the practitioner may dispense the substance
1-18 directly to an ultimate user. A prescription for a controlled
1-19 substance listed in Schedule III or IV may not be filled or refilled
1-20 later than six months after the date on which the prescription is
1-21 issued and may not be refilled more than five times, unless the
1-22 prescription is renewed by the practitioner. A prescription under
1-23 this subsection must comply with other applicable state and federal
1-24 laws.

1-25 (h) A pharmacist may dispense a controlled substance listed
1-26 in Schedule III, IV, or V under a [an original] written, oral, or
1-27 telephonically or electronically communicated prescription issued
1-28 by a practitioner defined by Section 481.002(39)(C) and only if the
1-29 pharmacist determines that the prescription was issued for a valid
1-30 medical purpose and in the course of professional practice. A
1-31 prescription issued under this subsection may not be filled or
1-32 refilled later than six months after the date the prescription is
1-33 issued[7] and [a prescription authorized to be refilled on the
1-34 original prescription] may not be refilled more than five times,
1-35 unless the prescription is renewed by the practitioner.

1-36 SECTION 2. The changes in law made by this Act apply to
1-37 conduct that occurs on or after the effective date of this Act.
1-38 Conduct that occurs before that date is governed by the law in
1-39 effect when the conduct occurs, and the former law is continued in
1-40 effect for that purpose.

1-41 SECTION 3. This Act takes effect September 1, 2007.

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