

1-1 By: Nichols S.B. No. 1658
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 19, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 19, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1658 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of a pharmacist to fill certain
1-11 prescriptions in the event of a disaster.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 562.054, Occupations Code, is amended to
1-14 read as follows:

1-15 Sec. 562.054. EMERGENCY REFILLS. (a) A pharmacist may
1-16 exercise the pharmacist's professional judgment in refilling a
1-17 prescription for a prescription drug, other than a controlled
1-18 substance listed in Schedule II as established by the commissioner
1-19 of state ~~public~~ health services under Chapter 481, Health and
1-20 Safety Code, without the authorization of the prescribing
1-21 practitioner if:

1-22 (1) failure to refill the prescription might result in
1-23 an interruption of a therapeutic regimen or create patient
1-24 suffering;

1-25 (2) either:

1-26 (A) a natural or manmade disaster has occurred
1-27 that prohibits the pharmacist from being able to contact the
1-28 practitioner; or

1-29 (B) the pharmacist is unable to contact the
1-30 practitioner after reasonable effort;

1-31 (3) the quantity of prescription drug dispensed does
1-32 not exceed a 72-hour supply;

1-33 (4) the pharmacist informs the patient or the
1-34 patient's agent at the time of dispensing that the refill is being
1-35 provided without the practitioner's authorization and that
1-36 authorization of the practitioner is required for a future refill;
1-37 and

1-38 (5) the pharmacist informs the practitioner of the
1-39 emergency refill at the earliest reasonable time.

1-40 (b) Notwithstanding Subsection (a), in the event of a
1-41 natural or manmade disaster, a pharmacist may dispense not more
1-42 than a 30-day supply of a prescription drug, other than a controlled
1-43 substance listed in Schedule II as established by the commissioner
1-44 of state health services under Chapter 481, Health and Safety Code,
1-45 without the authorization of the prescribing practitioner if:

1-46 (1) failure to refill the prescription might result in
1-47 an interruption of a therapeutic regimen or create patient
1-48 suffering;

1-49 (2) the natural or manmade disaster prohibits the
1-50 pharmacist from being able to contact the practitioner;

1-51 (3) the governor has declared a state of disaster
1-52 under Chapter 418, Government Code; and

1-53 (4) the board, through the executive director, has
1-54 notified pharmacies in this state that pharmacists may dispense up
1-55 to a 30-day supply of a prescription drug.

1-56 (c) The prescribing practitioner is not liable for an act or
1-57 omission by a pharmacist in dispensing a prescription drug under
1-58 Subsection (b).

1-59 SECTION 2. Section 481.074, Health and Safety Code, is
1-60 amended by adding Subsections (1-1) and (1-2) to read as follows:

1-61 (1-1) Notwithstanding Subsection (1), in the event of a
1-62 natural or manmade disaster, a pharmacist may dispense not more
1-63 than a 30-day supply of a prescription drug, other than a controlled

substance listed in Schedule II, without the authorization of the prescribing practitioner if:

(1) failure to refill the prescription might result in an interruption of a therapeutic regimen or create patient suffering;

(2) the natural or manmade disaster prohibits the pharmacist from being able to contact the practitioner;

(3) the governor has declared a state of disaster under Chapter 418, Government Code; and

(4) the Texas State Board of Pharmacy, through its executive director, has notified pharmacies in this state that pharmacists may dispense up to a 30-day supply of a prescription drug.

(1-2) The prescribing practitioner is not liable for an act or omission by a pharmacist in dispensing a prescription drug under Subsection (1-1).

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

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