

By: Lucio

S.B. No. 1896

A BILL TO BE ENTITLED

AN ACT

relating to the distribution and redistribution of certain drugs.

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

SECTION 1. Subsections (a), (b), and (e), Section 562.1085, Occupations Code, are amended to read as follows:

(a) A pharmacist who practices in or serves as a consultant for a health care facility or a licensed health care professional responsible for administration of drugs in a penal institution, as defined by Section 1.07, Penal Code, in this state may return to a pharmacy certain unused drugs, other than a controlled substance as defined by Chapter 481, Health and Safety Code, purchased from the pharmacy as provided by board rule. The unused drugs must:

(1) be approved by the federal Food and Drug Administration and be:

(A) sealed in unopened tamper-evident packaging and either individually packaged or packaged in unit-dose packaging;

(B) oral or parenteral medication in sealed single-dose containers approved by the federal Food and Drug Administration;

(C) topical or inhalant drugs in sealed units-of-use containers approved by the federal Food and Drug Administration; or

(D) parenteral medications in sealed

1 multiple-dose containers approved by the federal Food and Drug  
2 Administration from which doses have not been withdrawn; and

3 (2) not be the subject of a mandatory recall by a state  
4 or federal agency or a voluntary recall by a drug seller or  
5 manufacturer.

6 (b) A pharmacist for the pharmacy shall examine a drug  
7 returned under this section to ensure the integrity of the drug  
8 product. A health care facility or penal institution may not return  
9 a drug that:

10 (1) has been compounded;

11 (2) appears on inspection to be adulterated;

12 (3) requires refrigeration; or

13 (4) has less than 120 days until the expiration date or  
14 end of the shelf life.

15 (e) The board shall adopt the rules, policies, and  
16 procedures necessary to administer this section, including rules  
17 that require a health care facility or penal institution to inform  
18 the Health and Human Services Commission of medicines returned to a  
19 pharmacy under this section.

20 SECTION 2. Section 431.321, Health and Safety Code, is  
21 amended by amending Subsection (a) and adding Subsection (d-1) to  
22 read as follows:

23 (a) "Charitable medical clinic" means a clinic, including a  
24 licensed pharmacy that is a community pharmaceutical access program  
25 provider, that provides medical care or drugs without charge or for  
26 a substantially reduced charge, complies with the insurance  
27 requirements of Chapter 84, Civil Practice and Remedies Code, and

1 is exempt from federal income tax under Section 501(a) of the  
2 Internal Revenue Code of 1986 by being listed as an exempt  
3 organization in Section 501(c)(3) or 501(c)(4) of the code and is  
4 operated exclusively for the promotion of social welfare by being  
5 primarily engaged in promoting the common good and general welfare  
6 of the people in a community.

7 (d-1) In this subchapter, "community pharmaceutical access  
8 program" means a program offered by a licensed pharmacy under which  
9 the pharmacy assists financially disadvantaged persons to access  
10 prescription drugs at no charge or at a substantially reduced  
11 charge.

12 SECTION 3. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2007.