

1-1 By: Lucio S.B. No. 1896  
1-2 (In the Senate - Filed March 9, 2007; March 22, 2007, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 23, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 23, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1896 By: Patrick

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

1-10 relating to the distribution and redistribution of certain drugs.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Subsections (a), (b), and (e), Section 562.1085,  
1-13 Occupations Code, are amended to read as follows:  
1-14 (a) A pharmacist who practices in or serves as a consultant  
1-15 for a health care facility or a licensed health care professional  
1-16 responsible for administration of drugs in a penal institution, as  
1-17 defined by Section 1.07, Penal Code, in this state may return to a  
1-18 pharmacy certain unused drugs, other than a controlled substance as  
1-19 defined by Chapter 481, Health and Safety Code, purchased from the  
1-20 pharmacy as provided by board rule. The unused drugs must:  
1-21 (1) be approved by the federal Food and Drug  
1-22 Administration and be:  
1-23 (A) sealed in unopened tamper-evident packaging  
1-24 and either individually packaged or packaged in unit-dose  
1-25 packaging;  
1-26 (B) oral or parenteral medication in sealed  
1-27 single-dose containers approved by the federal Food and Drug  
1-28 Administration;  
1-29 (C) topical or inhalant drugs in sealed  
1-30 units-of-use containers approved by the federal Food and Drug  
1-31 Administration; or  
1-32 (D) parenteral medications in sealed  
1-33 multiple-dose containers approved by the federal Food and Drug  
1-34 Administration from which doses have not been withdrawn; and  
1-35 (2) not be the subject of a mandatory recall by a state  
1-36 or federal agency or a voluntary recall by a drug seller or  
1-37 manufacturer.  
1-38 (b) A pharmacist for the pharmacy shall examine a drug  
1-39 returned under this section to ensure the integrity of the drug  
1-40 product. A health care facility or penal institution may not return  
1-41 a drug that:  
1-42 (1) has been compounded;  
1-43 (2) appears on inspection to be adulterated;  
1-44 (3) requires refrigeration; or  
1-45 (4) has less than 120 days until the expiration date or  
1-46 end of the shelf life.  
1-47 (e) The board shall adopt the rules, policies, and  
1-48 procedures necessary to administer this section, including rules  
1-49 that require a health care facility or penal institution to inform  
1-50 the Health and Human Services Commission of medicines returned to a  
1-51 pharmacy under this section.  
1-52 SECTION 2. Section 431.321, Health and Safety Code, is  
1-53 amended by amending Subsection (a) and adding Subsection (d-1) to  
1-54 read as follows:  
1-55 (a) "Charitable medical clinic" means a clinic, including a  
1-56 licensed pharmacy that is a community pharmaceutical access program  
1-57 provider, that provides medical care or drugs without charge or for  
1-58 a substantially reduced charge, complies with the insurance  
1-59 requirements of Chapter 84, Civil Practice and Remedies Code, and  
1-60 is exempt from federal income tax under Section 501(a) of the  
1-61 Internal Revenue Code of 1986 by being listed as an exempt  
1-62 organization in Section 501(c)(3) or 501(c)(4) of the code and is  
1-63 operated exclusively for the promotion of social welfare by being

2-1 primarily engaged in promoting the common good and general welfare  
2-2 of the people in a community.

2-3 (d-1) In this subchapter, "community pharmaceutical access  
2-4 program" means a program offered by a licensed pharmacy under which  
2-5 the pharmacy assists financially disadvantaged persons to access  
2-6 prescription drugs at no charge or at a substantially reduced  
2-7 charge.

2-8 SECTION 3. This Act takes effect immediately if it receives  
2-9 a vote of two-thirds of all the members elected to each house, as  
2-10 provided by Section 39, Article III, Texas Constitution. If this  
2-11 Act does not receive the vote necessary for immediate effect, this  
2-12 Act takes effect September 1, 2007.

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