

BILL ANALYSIS

Senate Research Center

S.B. 904
By: Williams
Health & Human Services
9/28/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2007, Section 1306.12, Title 21, Federal Code of Regulations, was amended to authorize a practitioner to issue multiple prescriptions for up to a 90-day supply.

S.B. 904 amends current law relating to the classification of and prescriptions issued for certain controlled substances.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the director of the Department of Public Safety of the State of Texas is modified in SECTION 3 (Section 481.0761, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 481.074, Health and Safety Code, by adding Subsection (d-1) and amending Subsection (k), as follows:

(d-1) Authorizes a prescribing practitioner, notwithstanding Subsection (d) (relating to the establishment of the period after the date on which the prescription is issued that a person is authorized to fill a prescription for certain controlled substances), to issue multiple prescriptions authorizing the patient to receive a total of up to a 90-day supply of a Schedule II controlled substance if each separate prescription is issued for a legitimate medical purpose by a prescribing practitioner acting in the usual course of professional practice; the prescribing practitioner provides written instructions on each prescription to be filled at a later date indicating the earliest date on which a pharmacy is authorized to fill each prescription; the prescribing practitioner concludes that providing the patient with multiple prescriptions in this manner does not create an undue risk of diversion or abuse; and the issuance of multiple prescriptions complies with other applicable state and federal laws.

(k) Requires that a prescription for a controlled substance show certain information, including if the prescription is issued for a Schedule II controlled substance to be filled at a later date under Subsection (d-1), the earliest date on which a pharmacy is authorized to fill the prescription.

SECTION 2. Amends Section 481.075(e), Health and Safety Code, to require that each official prescription form used to prescribe a Schedule II controlled substance contain certain information provided by the prescribing practitioner, including if the prescription is issued to be filled at a later date under Section 481.074(d-1), the earliest date on which a pharmacy is authorized to fill the prescription. Makes a nonsubstantive change.

SECTION 3. Amends Section 481.0761(c), Health and Safety Code, to authorize the director of the Department of Public Safety of the State of Texas by rule to establish a procedure for the issuance of multiple prescriptions of a Schedule II controlled substance under Section 481.074(d-1), among other actions.

SECTION 4. Amends Subchapter B, Chapter 481, Health and Safety Code, by adding Section 481.037, as follows:

Sec. 481.037. CARISOPRODOL. Provides that Schedule IV includes carisoprodol.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2009.