

BILL ANALYSIS

Senate Research Center
81R4147 JSC-D

S.B. 904
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Health & Human Services
3/26/2009
As Filed

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.

As proposed, S.B. 904 authorizes a prescribing practitioner to issue multiple prescriptions under certain conditions for a Schedule II controlled substance for up to a 90-day supply.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the director of the Department of Public Safety 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 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. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2009.