

By: Corte

H.B. No. 44

A BILL TO BE ENTITLED

AN ACT

relating to disclosing information to persons obtaining emergency
contraception.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is
amended by adding Chapter 172 to read as follows:

CHAPTER 172. EMERGENCY CONTRACEPTION

Sec. 172.001. DEFINITIONS. In this chapter:

(1) "Emergency contraception" means a drug that:

(A) is used postcoitally;

(B) prevents pregnancy by preventing
fertilization of an egg or preventing implantation of an egg in a
uterus; and

(C) is approved by the United States Food and
Drug Administration.

(2) "Pharmacist" means a person licensed to practice
pharmacy by the Texas State Board of Pharmacy.

Sec. 172.002. DUTY TO INFORM. (a) Before a pharmacist may
dispense or distribute emergency contraception, the pharmacist
must inform the recipient that emergency contraception may prevent:

(1) the fertilization of an egg; or

(2) the implantation of a fertilized egg in the
uterus.

(b) A pharmacist must provide the information required by

1 Subsection (a) orally and in writing.

2 Sec. 172.003. SIGN REQUIRED. A business establishment at
3 which emergency contraception is dispensed or distributed shall
4 display a sign, in clear view of each cash register in the
5 establishment, that is at least 18 inches high by 24 inches wide and
6 that, in block letters in a font that may be read clearly, reads in
7 English and Spanish:

8 "IF YOU BELIEVE THAT LIFE BEGINS AT FERTILIZATION—THE POINT
9 WHERE THE SPERM AND EGG UNITE—THEN YOU NEED TO KNOW THAT EMERGENCY
10 CONTRACEPTION MAY EITHER FUNCTION AS A CONTRACEPTIVE TO PREVENT THE
11 EGG AND SPERM FROM UNITING OR PREVENT THE IMPLANTATION OF YOUR
12 ALREADY FERTILIZED EGG IN YOUR WOMB. THE PHARMACIST DISPENSING
13 THIS DRUG IS REQUIRED TO EXPLAIN TO YOU HOW THE PRODUCT MAY HELP TO
14 PREVENT YOUR PREGNANCY."

15 Sec. 172.004. PREREQUISITES TO SALE. (a) Before
16 dispensing or distributing emergency contraception over the
17 counter, a business establishment must:

18 (1) require the person obtaining the drug to:
19 (A) display a driver's license or other form of
20 identification containing the person's photograph and indicating
21 that the person is 18 years of age or older; and

22 (B) sign for the purchase; and
23 (2) make a record of the transaction, including:
24 (A) the name of the person obtaining the drug;
25 (B) the date the drug is dispensed or
26 distributed; and

27 (C) an acknowledgment that the pharmacist

1 provided the person obtaining the drug with the information
2 required by Section 172.002.

3 (b) The business establishment shall maintain each record
4 made under this section until at least the second anniversary of the
5 date the record is made.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.