

By: Alvarado

H.B. No. 991

A BILL TO BE ENTITLED

AN ACT

relating to disclosure by a pharmacy of a list of prescription drug retail prices.

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

SECTION 1. Chapter 562, Occupations Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. DRUG RETAIL PRICE DISCLOSURE

Sec. 562.251. DEFINITION. In this subchapter, "retail price" means a pharmacy's current or advertised charge to a retail purchaser for a prescription drug at the listed dosage, including the charge for the cost of the medication and the dispensing fee.

Sec. 562.252. BOARD DUTY TO COMPILE LIST. The board shall compile annually a list of the 150 most frequently dispensed prescription drugs in the state and the usual dosages of each of those drugs. The board shall provide the list free of charge in printed and electronic formats to pharmacies for use by the pharmacies to produce the retail price list required by this subchapter.

Sec. 562.253. PRESCRIPTION DRUG RETAIL PRICE LIST. (a) A pharmacy shall compile a retail price list containing:

(1) the names of the prescription drugs on the list provided by the board as required by Section 562.252;

(2) the pharmacy's retail price for each drug at the listed dosage;

1           (3) the date of the most recent update to the list; and

2           (4) if a generically equivalent drug is available, the  
3 availability and price of that generic drug.

4           (b) A pharmacy shall update the retail price for each drug  
5 on the list at least quarterly. This subchapter does not prohibit a  
6 pharmacy from changing the current retail price of a drug at any  
7 time, provided the retail price list is updated at least quarterly  
8 to reflect the new retail price.

9           (c) A pharmacy shall provide the retail price list to  
10 consumers on request.

11           (d) A pharmacy shall conspicuously post a sign notifying  
12 consumers of the availability of the retail price list at or  
13 adjacent to the place in the pharmacy where prescriptions are  
14 presented, in a customer waiting area, or where drugs are  
15 delivered. The sign must state in English and Spanish that:

16                   (1) the pharmacy is required by law to provide a list  
17 of prices of the most frequently prescribed drugs;

18                   (2) generically equivalent drugs are included on the  
19 list, if available; and

20                   (3) prices for drugs may vary between pharmacies.

21           (e) This section does not apply to a Class E pharmacy.

22           SECTION 2. The Texas State Board of Pharmacy shall adopt  
23 rules necessary to administer the changes in law made by this Act  
24 and shall compile the prescription drug retail price list required  
25 by Subchapter F, Chapter 562, Occupations Code, as added by this  
26 Act, not later than January 2, 2010.

27           SECTION 3. A pharmacy subject to the requirements of this

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1 Act shall compile the prescription drug retail price list and post  
2 the sign required by Subchapter F, Chapter 562, Occupations Code,  
3 as added by this Act, not later than March 1, 2010, and shall  
4 provide the list to consumers and post the sign on and after that  
5 date.

6 SECTION 4. This Act takes effect September 1, 2009.