

By: McClendon

H.B. No. 1504

A BILL TO BE ENTITLED

AN ACT

relating to the normal distribution channel of a prescription drug.

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

SECTION 1. Section 431.401(5), Health and Safety Code, is amended to read as follows:

(5) "Normal distribution channel" means a chain of custody for a prescription drug, either directly or by drop shipment, from the manufacturer of the prescription drug, the manufacturer to the manufacturer's co-licensed product partner, the manufacturer to the manufacturer's third-party logistics provider, or the manufacturer to the manufacturer's exclusive distributor, to:

(A) a pharmacy to:

(i) a patient; or

(ii) another designated person authorized by law to dispense or administer the drug to a patient;

(B) an authorized distributor of record to:

(i) a pharmacy to a patient; or

(ii) another designated person authorized by law to dispense or administer the drug to a patient;

(C) an authorized distributor of record to a wholesale distributor licensed under this chapter to:

(i) a pharmacy to a patient; or

(ii) another designated person authorized

1 by law to dispense or administer the drug to a patient;

2 (D) an authorized distributor of record to a
3 pharmacy warehouse to the pharmacy warehouse's intracompany
4 pharmacy;

5 (E) [~~(D)~~] a pharmacy warehouse to the pharmacy
6 warehouse's intracompany pharmacy or another designated person
7 authorized by law to dispense or administer the drug to a patient;

8 (F) [~~(E)~~] a person authorized by law to prescribe
9 a prescription drug that by law may be administered only under the
10 supervision of the prescriber; or

11 (G) [~~(F)~~] an authorized distributor of record to
12 one other authorized distributor of record or one other wholesale
13 distributor licensed under this chapter to a licensed practitioner
14 for office use.

15 SECTION 2. As soon as practicable after the effective date
16 of this Act, the executive commissioner of the Health and Human
17 Services Commission shall adopt, modify, or repeal rules as
18 necessary to implement the changes in law made by this Act.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.