

By: Ellis

S.B. No. 146

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":

(1) means the actual price to be paid to a pharmacy by a retail purchaser for a drug at the listed dosage, including the charge for the cost of the medication and the dispensing fee; and

(2) may not be more than the pharmacy's usual and customary or posted or advertised charge.

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, including the usual dosages of those drugs. The board shall provide the list free of charge in printed and electronic formats to license holders for use by the license holders to produce the drug retail price list required by this subchapter.

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

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

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

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

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

8 (b) A pharmacy shall update the pharmacy's retail price for
9 each drug on the list at least once a week. This subchapter does not
10 prevent a pharmacy from changing the current retail price of a drug
11 at any time, provided the listed price is updated at least once a
12 week to reflect the new retail price.

13 (c) A pharmacy shall provide the pharmacy's prescription
14 drug retail price list to consumers on request.

15 (d) A pharmacy shall conspicuously post a sign notifying
16 consumers of the availability of the drug retail price list at or
17 adjacent to the place in the pharmacy where prescriptions are
18 presented, in a customer waiting area, or where drugs are
19 delivered. The sign must inform customers that:

20 (1) the pharmacy is required by this section to
21 provide a list of prices of the most frequently prescribed drugs;

22 (2) generically equivalent drugs are included on the
23 list, where available; and

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

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

26 SECTION 2. The Texas State Board of Pharmacy shall adopt
27 rules necessary to administer the changes in law made by this Act

1 and shall compile the drug retail price list required by Subchapter
2 F, Chapter 562, Occupations Code, as added by this Act, not later
3 than January 2, 2010.

4 SECTION 3. A pharmacy subject to the requirements of this
5 Act shall compile the prescription drug retail price list required
6 by Subchapter F, Chapter 562, Occupations Code, as added by this
7 Act, not later than March 1, 2010, and shall provide the list to
8 consumers on and after that date.

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