

1-1 By: Deuell S.B. No. 546
1-2 (In the Senate - Filed February 8, 2011; February 17, 2011,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 21, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 1;
1-6 April 21, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 546 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the dispensing of certain drugs by physicians.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (b), Section 158.001, Occupations
1-13 Code, is amended to read as follows:

1-14 (b) A physician may dispense dangerous drugs to the
1-15 physician's patients and charge the patients a reasonable fee for
1-16 dispensing the drugs [~~This section does not permit a physician to~~
1-17 ~~operate a retail pharmacy~~] without complying with Chapter 558.
1-18 Before dispensing a dangerous drug, the physician must notify the
1-19 patient that the prescription for the dangerous drug may be filled
1-20 at a pharmacy. The board shall adopt rules to establish a procedure
1-21 for the dispensing of dangerous drugs by a physician.

1-22 SECTION 2. Subsection (b), Section 551.004, Occupations
1-23 Code, is amended to read as follows:

1-24 (b) This subtitle does not prevent a practitioner from:

1-25 (1) administering a drug to a patient of the
1-26 practitioner; or

1-27 (2) supplying dangerous drugs to a patient as provided
1-28 by Section 158.001(b).

1-29 SECTION 3. Section 158.003, Occupations Code, is repealed.

1-30 SECTION 4. (a) The Texas Medical Board shall adopt rules
1-31 to implement Subsection (b), Section 158.001, Occupations Code, as
1-32 amended by this Act, not later than December 1, 2011.

1-33 (b) The changes in law made by this Act apply to the
1-34 dispensing of a dangerous drug by a physician on or after December
1-35 1, 2011. The dispensing of a dangerous drug before December 1,
1-36 2011, is governed by the law in effect at the time the drug was
1-37 dispensed, and the former law is continued in effect for that
1-38 purpose.

1-39 SECTION 5. This Act takes effect immediately if it receives
1-40 a vote of two-thirds of all the members elected to each house, as
1-41 provided by Section 39, Article III, Texas Constitution. If this
1-42 Act does not receive the vote necessary for immediate effect, this
1-43 Act takes effect September 1, 2011.

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