

1-1 By: Uresti S.B. No. 1756  
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 May 13, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; May 13, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1756 By: Uresti

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

1-10 relating to the substitution by a pharmacist of certain opioid  
1-11 analgesic drugs.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 562, Occupations Code, is  
1-14 amended by adding Section 562.016 to read as follows:

1-15 Sec. 562.016. SUBSTITUTION OF CERTAIN OPIOID DRUGS.

1-16 (a) In this section, "opioid analgesic drug" means a drug in the  
1-17 opioid analgesic drug class that is prescribed to treat moderate to  
1-18 severe pain or other conditions, including:

1-19 (1) immediate-release and extended-release forms of  
1-20 the drug; and

1-21 (2) drugs formed by a combination of drugs, one of  
1-22 which is an opioid analgesic.

1-23 (b) The board by rule shall establish a list of opioid  
1-24 analgesic drugs that:

1-25 (1) incorporate a tamper-resistant technology; and

1-26 (2) have been approved by the United States Food and  
1-27 Drug Administration from an application that included at least:

1-28 (A) one human tampering or abuse potential study;

1-29 or

1-30 (B) a laboratory study comparing the  
1-31 tamper-resistant or abuse-resistant properties of the drug to a  
1-32 control opioid analgesic drug approved by the United States Food  
1-33 and Drug Administration.

1-34 (c) The board shall include on the list under Subsection (b)  
1-35 a determination of which listed opioid analgesic drugs provide  
1-36 substantially similar tamper-resistant properties, based on the  
1-37 study described by Subsection (b)(2).

1-38 (d) Notwithstanding Section 562.008, a pharmacist may not  
1-39 substitute an opioid analgesic drug unless the pharmacist:

1-40 (1) verifies:

1-41 (A) from the list under Subsection (b) that the  
1-42 substituted opioid analgesic drug has substantially similar  
1-43 tamper-resistant properties to the originally prescribed drug; and

1-44 (B) from the most recent version of the United  
1-45 States Food and Drug Administration publication Approved Drug  
1-46 Products with Therapeutic Equivalence Evaluations that the  
1-47 substituted drug is considered to be equivalent to the prescribed  
1-48 drug; or

1-49 (2) obtains consent for the substitution from the  
1-50 prescribing physician.

1-51 SECTION 2. The Texas State Board of Pharmacy shall adopt the  
1-52 rules necessary to implement Section 562.016, Occupations Code, as  
1-53 added by this Act, not later than December 1, 2011.

1-54 SECTION 3. The changes in law made by this Act apply only to  
1-55 an opioid analgesic drug dispensed on or after January 1, 2012.

1-56 SECTION 4. This Act takes effect September 1, 2011.

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