

By: Williams

S.B. No. 227

A BILL TO BE ENTITLED

AN ACT

relating to the dispensation of aesthetic pharmaceuticals by physicians.

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

SECTION 1. Section 157.002(f), Occupations Code, is amended to read as follows:

(f) Subsections (b) and (c) do not authorize a physician or a person acting under the supervision of a physician to keep a pharmacy, advertised or otherwise, for the retail sale of dangerous drugs, other than as authorized under Sections [Section] 158.003 and 158.004, without complying with the applicable laws relating to the dangerous drugs.

SECTION 2. Chapter 158, Occupations Code, is amended by adding Sections 158.004 and 158.005 to read as follows:

Sec. 158.004. DISPENSING OF AESTHETIC PHARMACEUTICALS. (a)
In this section, "aesthetic pharmaceutical" means:

(1) a drug listed in the aesthetic pharmaceutical group under Section 158.005; or

(2) a drug that:
(A) is not a controlled substance;
(B) requires a prescription for dispensation;
(C) has been listed with the federal Food and Drug Administration; and

(D) is prescribed for the enhancement of an

1 individual's appearance.

2 (b) A physician licensed under this subtitle may dispense to
3 that physician's patients an aesthetic pharmaceutical in excess of
4 the patient's immediate needs without obtaining a license under
5 Chapter 558. The physician may charge a fee for dispensing the
6 aesthetic pharmaceutical.

7 (c) Before dispensing an aesthetic pharmaceutical to a
8 patient, a physician must inform the patient that the prescription
9 for the aesthetic pharmaceutical may be filled at a pharmacy, if
10 available at a pharmacy, or dispensed in the physician's office.

11 (d) Each state and federal labeling and recordkeeping
12 requirement applicable to the aesthetic pharmaceutical must be
13 followed and documented. A record maintained under this section
14 must be accessible as provided under state and federal law.

15 (e) The board, with the advice of the Texas State Board of
16 Pharmacy, shall adopt rules to govern the packaging, labeling, and
17 dispensation of aesthetic pharmaceuticals by a physician under this
18 section and reasonable fees as necessary to implement this section.
19 A fee adopted under this subsection may not exceed a fee adopted
20 under Section 554.006 for authorizing a pharmacist to dispense
21 pharmaceuticals.

22 Sec. 158.005. AESTHETIC PHARMACEUTICAL GROUP. The
23 aesthetic pharmaceutical group consists of:

- 24 (1) bimatoprost;
25 (2) hydroquinone;
26 (3) tretinoin;
27 (4) metronidazole; and

1 (5) tazarotene.

2 SECTION 3. Section 563.051(d), Occupations Code, is
3 amended to read as follows:

4 (d) This section does not authorize a physician or a person
5 acting under the supervision of a physician to keep a pharmacy,
6 advertised or otherwise, for the retail sale of dangerous drugs,
7 other than as authorized under Sections [~~Section~~] 158.003 and
8 158.004, without complying with the applicable laws relating to the
9 dangerous drugs.

10 SECTION 4. The Texas Medical Board shall adopt rules for the
11 implementation of Section 158.004, Occupations Code, as added by
12 this Act, not later than March 1, 2014.

13 SECTION 5. (a) Except as provided by Subsection (b) of this
14 section, this Act takes effect immediately if it receives a vote of
15 two-thirds of all the members elected to each house, as provided by
16 Section 39, Article III, Texas Constitution. If this Act does not
17 receive the vote necessary for immediate effect, this Act takes
18 effect September 1, 2013.

19 (b) Section 158.004, Occupations Code, as added by this Act,
20 takes effect March 1, 2014.