

By: Van de Putte

S.B. No. 1100

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and inspection of certain out-of-state pharmacies by the Texas State Board of Pharmacy; authorizing fees.

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

SECTION 1. Subchapter B, Chapter 556, Occupations Code, is amended by adding Section 556.0551 to read as follows:

Sec. 556.0551. INSPECTION OF LICENSED OUT-OF-STATE PHARMACY. (a) The board may conduct a random inspection of a pharmacy that holds a Class E pharmacy license and that compounds sterile prescription drugs for delivery to patients in this state as necessary to ensure compliance with the safety standards and other requirements of this subtitle and board rules.

(b) The board by rule shall set fees in amounts reasonable and necessary to cover the costs incurred by the board in inspecting a pharmacy as provided by Subsection (a).

SECTION 2. Section 560.052, Occupations Code, is amended by amending Subsection (c) and adding Subsection (g) to read as follows:

(c) To qualify for a Class E pharmacy license, an applicant, in addition to satisfying the other requirements of this chapter, must provide to the board:

(1) evidence that the applicant holds a pharmacy license, registration, or permit in good standing issued by the state in which the pharmacy is located;

1 (2) the name of the owner and pharmacist-in-charge of
2 the pharmacy for service of process;

3 (3) evidence of the applicant's ability to provide to
4 the board a record of a prescription drug order dispensed by the
5 applicant to a resident of this state not later than 72 hours after
6 the time the board requests the record;

7 (4) an affidavit by the pharmacist-in-charge that
8 states that the pharmacist has read and understands the laws and
9 rules relating to a Class E pharmacy;

10 (5) proof of creditworthiness; and

11 (6) except as provided by Subsection (f) or (g), an
12 inspection report issued:

13 (A) not more than two years before the date the
14 license application is received; and

15 (B) by the pharmacy licensing board in the state
16 of the pharmacy's physical location[~~, except as provided by~~
17 ~~Subsection (f)~~].

18 (g) A Class E pharmacy license may not be issued to a
19 pharmacy that compounds sterile prescription drugs for delivery to
20 patients in this state unless the pharmacy has been inspected by the
21 board to ensure the pharmacy meets the safety standards and other
22 requirements of this subtitle and board rules. The board by rule
23 shall set fees in amounts reasonable and necessary to cover the
24 costs incurred by the board in inspecting an applicant as required
25 by this subsection.

26 SECTION 3. Not later than November 1, 2013, the Texas State
27 Board of Pharmacy shall adopt rules as required by Section

1 556.0551, Occupations Code, as added by this Act, and Section
2 560.052, Occupations Code, as amended by this Act.

3 SECTION 4. Section 560.052, Occupations Code, as amended by
4 this Act, applies only to an application for a pharmacy license
5 submitted to the Texas State Board of Pharmacy on or after the
6 effective date of this Act. An application submitted before the
7 effective date of this Act is governed by the law in effect on the
8 date the application was submitted, and the former law is continued
9 in effect for that purpose.

10 SECTION 5. This Act takes effect September 1, 2013.