

By: Sheffield

H.B. No. 2936

A BILL TO BE ENTITLED

AN ACT

relating to a pilot program for donation and redistribution of certain unused prescription medications; authorizing a fee.

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

SECTION 1. Chapter 431, Health and Safety Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. PRESCRIPTION DRUG DONATION PILOT PROGRAM

Sec. 431.451. DEFINITIONS. In this subchapter:

(1) "Board" means the Texas State Board of Pharmacy.

(2) "Charitable medical clinic" has the meaning assigned by Section 431.321.

(3) "Health center" means a federally qualified health center under 42 U.S.C. Section 1396d(1)(2)(B).

(4) "Nursing home" means a facility licensed under Chapter 242.

(5) "Pilot program" means the prescription drug donation pilot program under this subchapter.

(6) "Prescription drug" has the meaning assigned by Section 551.003, Occupations Code.

Sec. 431.452. ESTABLISHMENT OF PILOT PROGRAM. (a) The board shall establish a pilot program for donation and redistribution of prescription drugs under this subchapter.

(b) The board shall conduct the pilot program in Coryell, McLennan, and Bell Counties.

1       Sec. 431.453. DONATION OF PRESCRIPTION DRUGS. (a) Only a  
2 nursing home may donate prescription drugs under this subchapter.

3       (b) The donated drugs must be oral prescription drugs  
4 approved by the federal Food and Drug Administration that are  
5 sealed in the manufacturer's unopened original tamper-evident  
6 packaging and either individually packaged or packaged in unit-dose  
7 packaging.

8       (c) Donated drugs may not:

9           (1) be subject to a mandatory recall by a state or  
10 federal agency or a voluntary recall by a drug seller or  
11 manufacturer;

12           (2) be a controlled substance under Chapter 481;

13           (3) require refrigeration; or

14           (4) expire less than 60 days after the date of  
15 donation.

16       Sec. 431.454. ACCEPTING DONATIONS. (a) A health center may  
17 accept a drug donated under this subchapter.

18       (b) A health center may dispense or administer the drugs to  
19 the health center's patients or distribute the drugs to another  
20 health center or a charitable medical clinic.

21       (c) Before the health center may dispense, administer, or  
22 distribute the drugs, a licensed pharmacist must determine that the  
23 drugs are of acceptable integrity.

24       Sec. 431.455. DISPENSING OR ADMINISTERING DONATED DRUGS.  
25 (a) Donated drugs may be dispensed or administered by a health  
26 center or a charitable medical clinic.

27       (b) A prescription drug dispensed or administered to a

1 patient under the pilot program must be prescribed by a physician  
2 for use by that patient.

3 Sec. 431.456. FEES. A health center or charitable medical  
4 clinic may charge only a nominal handling fee for distributing,  
5 dispensing, or administering a drug under the pilot program.

6 Sec. 431.457. RESALE PROHIBITED. A health center or  
7 charitable medical clinic may not resell donated drugs.

8 Sec. 431.458. DATABASE OF DONATED DRUGS. The board shall  
9 establish and maintain an electronic database in which:

10 (1) each health center shall list the name and  
11 quantity of each drug donated to the health center under the pilot  
12 program that has been verified by a pharmacist; and

13 (2) a health center or charitable medical clinic may  
14 search for and request donated drugs from a health center that  
15 possesses those drugs.

16 Sec. 431.459. RULES. The board shall adopt rules for  
17 implementation of this subchapter.

18 Sec. 431.460. LIMITATION ON LIABILITY. A participant in  
19 the pilot program is not civilly or criminally liable or subject to  
20 disciplinary action for harm caused by distributing, accepting,  
21 dispensing, or administering drugs under the pilot program unless  
22 the harm is caused by wilful or wanton acts of negligence, conscious  
23 indifference to or reckless disregard for the safety of others, or  
24 intentional conduct.

25 Sec. 431.461. REPORTS TO LEGISLATURE. Not later than  
26 January 1 of each odd-numbered year, the board shall report to the  
27 legislature on the results of the pilot program. The report must

1 include:

2 (1) the program's efficacy in expanding access to  
3 prescription medications;

4 (2) an evaluation of the program's database and system  
5 of distribution;

6 (3) any health and safety issues posed by accepting  
7 and dispensing donated drugs;

8 (4) recommendations on improvements to the program;

9 and

10 (5) an evaluation of potential expansion of the  
11 program.

12 Sec. 431.462. EXPIRATION. This subchapter expires  
13 September 1, 2019.

14 SECTION 2. (a) The Texas State Board of Pharmacy shall adopt  
15 any necessary rules and establish the database required by  
16 Subchapter O, Chapter 431, Health and Safety Code, as added by this  
17 Act, not later than December 1, 2015.

18 (b) A nursing home, federally qualified health center, or  
19 charitable medical clinic may donate, distribute, accept,  
20 administer, or dispense a prescription drug under the pilot program  
21 under Subchapter O, Chapter 431, Health and Safety Code, as added by  
22 this Act, on or after January 1, 2016.

23 SECTION 3. This Act takes effect September 1, 2015.