

By: Capriglione

H.B. No. 3200

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to limitations on filling prescriptions for certain opioid  
3 pain medications; adding prohibitions subject to a criminal  
4 penalty.

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

6 SECTION 1. Section 481.074, Health and Safety Code, is  
7 amended by amending Subsection (a) and adding Subsections (a-1),  
8 (r), and (s) to read as follows:

9 (a) A pharmacist may not:

10 (1) dispense or deliver a controlled substance or  
11 cause a controlled substance to be dispensed or delivered under the  
12 pharmacist's direction or supervision except under a valid  
13 prescription and in the course of professional practice;

14 (2) dispense a controlled substance if the pharmacist  
15 knows or should have known that the prescription was issued without  
16 a valid patient-practitioner relationship;

17 (3) fill a prescription that is not prepared or issued  
18 as prescribed by this chapter;

19 (4) permit or allow a person who is not a licensed  
20 pharmacist or pharmacist intern to dispense, distribute, or in any  
21 other manner deliver a controlled substance even if under the  
22 supervision of a pharmacist, except that after the pharmacist or  
23 pharmacist intern has fulfilled his professional and legal  
24 responsibilities, a nonpharmacist may complete the actual cash or

1 credit transaction and delivery; ~~[or]~~

2 (5) permit the delivery of a controlled substance to  
3 any person not known to the pharmacist, the pharmacist intern, or  
4 the person authorized by the pharmacist to deliver the controlled  
5 substance without first requiring identification of the person  
6 taking possession of the controlled substance, except as provided  
7 by Subsection (n); or

8 (6) dispense or deliver an opioid pain medication, or  
9 cause an opioid pain medication to be dispensed or delivered under  
10 the pharmacist's direction or supervision, in a manner other than  
11 as authorized under Subsection (r).

12 (a-1) In this section, "opioid pain medication" means a  
13 controlled substance listed in Section 481.102 that is an opiate or  
14 opium derivative and that a licensed physician has prescribed to a  
15 patient for the treatment of pain.

16 (r) Notwithstanding Subsection (d-1) and except as  
17 otherwise provided by this subsection, a pharmacist may not  
18 dispense or deliver, or cause to be dispensed or delivered under the  
19 pharmacist's direction or supervision, more than a 10-day supply of  
20 an opioid pain medication for that patient in a 60-day period unless  
21 the pharmacist receives a form adopted under Subsection (s)  
22 indicating that the prescribing physician intends the patient to be  
23 treated for pain for a period longer than 10 days or that the  
24 patient requires treatment with opioid pain medication before the  
25 expiration of the 60-day period beginning on the date the patient's  
26 previous prescription for opioid pain medication was filled. A  
27 pharmacist who receives a prescription for an amount of opioid pain

1 medication greater than a 10-day supply without receiving the  
2 required form shall partially fill the prescription by dispensing  
3 or delivering, or causing to be dispensed or delivered under the  
4 pharmacist's direction or supervision, a 10-day supply for that  
5 patient and shall inform the prescribing physician that the  
6 remainder of the prescription is canceled in accordance with this  
7 subsection. A pharmacist may not fill a prescription for opioid  
8 pain medication for a patient before the expiration of the 60-day  
9 period beginning on the date the patient's previous prescription  
10 for opioid pain medication was filled without receiving the  
11 required form.

12 (s) The director by rule shall adopt a form for purposes of  
13 Subsection (r) and prescribe procedures governing the use of that  
14 form by prescribing physicians and pharmacists.

15 SECTION 2. Not later than December 1, 2015, the public  
16 safety director of the Department of Public Safety shall adopt the  
17 form required under Section 481.074(s), Health and Safety Code, as  
18 added by this Act.

19 SECTION 3. The change in law made by this Act applies only  
20 to a prescription completely filled on or after January 1, 2016. A  
21 prescription completely filled before January 1, 2016, is covered  
22 by the law as it existed immediately before the effective date of  
23 this Act, and the former law is continued in effect for that  
24 purpose.

25 SECTION 4. This Act takes effect September 1, 2015.