

By: Crownover

H.B. No. 3246

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a pharmacist to dispense and deliver tobacco cessation drugs.

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

SECTION 1. Subchapter B, Chapter 554, Occupations Code, is amended by adding Section 554.058 to read as follows:

Sec. 554.058. RULEMAKING; TOBACCO CESSATION DRUGS. The board, with the advice of the Texas Medical Board, shall adopt rules governing the procedures and requirements for a pharmacist to dispense and deliver tobacco cessation drugs under Section 562.016, including rules governing:

(1) the protocol for dispensing and delivering a tobacco cessation drug under that section;

(2) the education and training a pharmacist must complete to dispense and deliver a tobacco cessation drug under that section;

(3) the specific drugs that may be dispensed and delivered under that section;

(4) the documentation that a pharmacist must create and maintain under that section; and

(5) the notification a pharmacist must provide to a physician designated by the person receiving the tobacco cessation drug, including procedures for a person receiving the tobacco cessation drug who does not have an established primary care

1 physician.

2 SECTION 2. Subchapter A, Chapter 562, Occupations Code, is
3 amended by adding Section 562.016 to read as follows:

4 Sec. 562.016. AUTHORITY TO DISPENSE AND DELIVER CERTAIN
5 MEDICATIONS. (a) In this section, "tobacco cessation drug" means a
6 prescription drug approved by the United States Food and Drug
7 Administration for use in the treatment of nicotine or smoking
8 addiction.

9 (b) Notwithstanding any other law, a pharmacist may
10 dispense and deliver, without a prescription drug order, a tobacco
11 cessation drug to an individual who uses tobacco.

12 (c) A pharmacist may charge a fee for providing a
13 professional service under this section in addition to a fee
14 charged for dispensing a drug.

15 SECTION 3. Not later than April 1, 2016, the Texas State
16 Board of Pharmacy, with the advice of the Texas Medical Board, shall
17 adopt the rules required by Section 554.058, Occupations Code, as
18 added by this Act.

19 SECTION 4. (a) Except as provided by Subsection (b) of this
20 section, this Act takes effect September 1, 2015.

21 (b) Section 562.016, Occupations Code, as added by this Act,
22 takes effect April 1, 2016.