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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: M. S. J.

Amend C.S.H.B. No. 2561 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____ Chapter 558.051(a), Occupations Code, is amended to read as follows:

Sec. 558.051. QUALIFICATIONS FOR LICENSE BY EXAMINATION.

(a) To qualify for a license to practice pharmacy, an applicant for licensing by examination must submit to the board:

(1) a license fee set by the board; and

(2) a completed application on a form prescribed by the

board with satisfactory sworn evidence that the applicant:

(A) is at least 18 years of age;

(B) is of good moral character;

(C) has completed a minimum of a 1,000 - hour internship or other program that has been approved by the board or has demonstrated, to the board's satisfaction, experience in the practice of pharmacy that meets or exceeds the board's minimum internship requirements;

(D) has graduated and received a professional practice degree, as defined by board rule, from an accredited pharmacy degree program approved by the board;

(E) has passed the examination required by the board; and

(F) has not had a pharmacist license granted by another state restricted, suspended, revoked, or surrendered, for any reason, unless such license was restricted, suspended, revoked, or surrendered because the applicant refused or will refuse to provide

patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the applicant.

(b) Each applicant must obtain practical experience in the practice of pharmacy concurrent with college attendance or after college graduation, or both, under conditions the board determines.

(c) For purposes of this Section, no sincerely-held religious belief or conduct shall be considered to be a deficiency in the applicant's moral character.

SECTION _____. Chapter 558.058, Occupations Code, is amended to read as follows:

Sec. 558.058. ACCESSIBILITY OF EXAMINATION. The board by rule shall ensure that:

(a) an examination under this subchapter is administered to applicants with disabilities in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.); and

(b) religious accommodations are provided to applicants with sincerely-held religious beliefs that limit the days on which an examination may be taken.

SECTION _____. Chapter 558.101, Occupations Code, is amended to read as follows:

Sec. 558.101. QUALIFICATIONS FOR LICENSE BY RECIPROCITY. (a) To qualify for a license to practice pharmacy, an applicant for licensing by reciprocity must:

(1) submit to the board:

(A) a reciprocity fee set by the board; and

(B) a completed application in the form prescribed by

the board, given under oath;

(2) be of good moral character;

(3) have graduated and received a professional practice degree, as defined by board rule, from an accredited pharmacy degree program approved by the board;

(4) have presented to the board:

(A) proof of current or initial licensing by examination; and

(B) proof that the current license and any other license granted to the applicant by another state has not been restricted, suspended, revoked, or surrendered for any reason ~~and~~, unless such license was restricted, suspended, revoked, or surrendered because the applicant refused or will refuse to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the applicant;

(5) pass the Texas Pharmacy Jurisprudence examination.

(b) An applicant is not eligible for licensing by reciprocity unless the state in which the applicant is currently or was initially licensed as a pharmacist grants reciprocal licensing to pharmacists licensed by examination in this state, under like circumstances and conditions.

(c) For purposes of this Section, no sincerely-held religious belief or conduct shall be considered to be a deficiency in the applicant's moral character.

SECTION ____ . Chapter 559.003(e), Occupations Code, is amended to read as follows:

Sec. 559.003. REQUIREMENTS FOR RENEWAL.

(e) A person may not renew a license to practice pharmacy if the person holds a license to practice pharmacy in another state that has been suspended, revoked, canceled, or subject to an action that prohibits the person from practicing pharmacy in that state, unless such license was restricted, suspended, revoked, or surrendered because the applicant refused or will refuse to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the applicant.

SECTION _____. Chapter 559.005(a), Occupations Code, is amended to read as follows:

Sec. 559.005. ISSUANCE OF NEW LICENSE.

(a) The board may issue a new license to practice pharmacy to a person who is prohibited under Section 559.003(d) from renewing a license if the person:

(1) has not had a license granted by any other state restricted, suspended, revoked, canceled, or surrendered for any reason other than because the person refused or will refuse to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the person, and

(2) qualifies under this section.

SECTION _____. Chapter 560.052(b), Occupations Code, is amended to read as follows:

Sec. 560.052(b) QUALIFICATIONS.

(b) To qualify for a pharmacy license, an applicant must submit to the board:

(1) a license fee set by the board, except as provided by Subsection (d); and

(2) a completed application that:

(A) is on a form prescribed by the board;

(B) is given under oath;

(C) includes proof that:

(i) a pharmacy license held by the applicant in this state or another state, if applicable, has not been restricted, suspended, revoked, or surrendered for any reason other than because of a refusal to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely held religious beliefs of a religious objector; and

(ii) no owner of the pharmacy for which the application is made has held a pharmacist license in this state or another state, if applicable, that has been restricted, suspended, revoked, or surrendered for any reason other than because of a refusal to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the owner; and

(D) includes a statement of:

(i) the ownership;

(ii) the location of the pharmacy;

(iii) the license number of each pharmacist

who is employed by the pharmacy, if the pharmacy is located in this state, or who is licensed to practice pharmacy in this state, if the pharmacy is located in another state;

(iv) the pharmacist license number of the pharmacist-in-charge; and

(v) any other information the board determines necessary.

SECTION ____. Chapter 560.0525(b), Occupations Code, is amended to read as follows:

Sec. 560.0525(b) ADDITIONAL QUALIFICATION REQUIREMENTS FOR CANADIAN PHARMACIES

(b) In addition to satisfying the other requirements of this chapter, to qualify for designation by the board under Section 554.016, a Canadian pharmacy applicant must submit to the board:

(1) evidence satisfactory to the board that the applicant holds a pharmacy license, registration, or permit in good standing issued by Canada or the Canadian province in which the pharmacy is located and is not subject to any pending disciplinary action or legal action by any regulatory authority unless such disciplinary action or legal action solely relates to a refusal to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the applicant;

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

(3) evidence of the applicant's ability to provide to the board, not later than 72 hours after the time the board requests the record, a record of a prescription drug order authorizing the pharmacy to dispense a prescription drug to a resident of this state;

(4) an affidavit by the pharmacist-in-charge that states the pharmacist has read and understands this subtitle and the rules adopted under this subtitle that relate to a Canadian pharmacy designated by the board as having passed inspection to dispense prescription drugs to residents in this state;

(5) evidence satisfactory to the board that the applicant meets the standards established by board rule to ensure customer safety for each order filled and in the dispensing, storing, packaging, shipping, and delivering of prescription drugs; and

(6) evidence satisfactory to the board that the applicant's employees hold the appropriate Canadian licenses required to dispense prescription drugs in Canada.

SECTION ____ . Chapter 565.001, Occupations Code, is amended by adding subsection (c) to read as follows:

Sec. 565.001 APPLICANT FOR OR HOLDER OF LICENSE TO PRACTICE PHARMACY

(c) The board shall not discipline an applicant for or the holder of a current or expired license to practice pharmacy on the basis that such applicant or holder has refused or will refuse to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the applicant or holder.

SECTION ____ . Chapter 568.002, Occupations Code, is amended by adding subsection (e) to read as follows:

Sec. 568.002 REGISTRATION REQUIRED

(e) For purposes of this Section, no sincerely-held

religious belief or conduct shall be considered to be a deficiency in the applicant's moral character.

SECTION ____ . Chapter 568.003, Occupations Code, is amended by adding subsection (c) to read as follows:

Sec. 568.003 GROUNDS FOR DISCIPLINARY ACTION

(c) The board shall not take disciplinary action against an applicant for or the holder of a current or expired pharmacy technician or pharmacy technician trainee registration on the basis that such applicant or holder has refused or will refuse to provide services when doing so would violate the sincerely-held religious beliefs of the applicant or holder.