

By: Zedler

H.B. No. 2743

A BILL TO BE ENTITLED

AN ACT

relating to the use of electronic prescriptions for the prescribing or dispensing of Schedule II controlled substances.

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

SECTION 1. Section 481.075, Health and Safety Code, is amended by adding Subsections (n), (o), and (p) to read as follows:

(n) Notwithstanding any other provision of this section, a person prescribing or dispensing a Schedule II controlled substance must use the electronic prescription record and may not use a written prescription. An official prescription form may be used only by:

(1) a prescriber who is a veterinarian;

(2) a prescriber or dispensing pharmacist in circumstances in which electronic prescribing is not available due to temporary technological or electrical failure, as provided by board rule;

(3) a prescriber issuing a prescription to be filled outside this state;

(4) a prescriber or dispensing pharmacist who received a waiver under Subsection (o); or

(5) a prescriber if the prescriber determines that it would be impractical for the patient to obtain the substance prescribed by electronic prescription in a timely manner, and the delay would adversely impact the patient's medical condition.

1       (o) The board may grant to a prescriber or dispensing  
2 pharmacist a waiver from the requirement to use the electronic  
3 prescription record due to:

4               (1) economic hardship;

5               (2) technological limitations that are not reasonably  
6 in control of the prescriber or dispensing pharmacist; or

7               (3) another exceptional circumstance demonstrated by  
8 the prescriber or dispensing pharmacist.

9       (p) A waiver granted under Subsection (o) may not be for a  
10 period of more than one year. A person may reapply for a waiver on  
11 expiration of the previous waiver.

12       SECTION 2. The change in law made by this Act applies only  
13 to a prescription issued on or after January 1, 2018. A  
14 prescription issued before January 1, 2018, is governed by the law  
15 in effect immediately before the effective date of this Act, and the  
16 former law is continued in effect for that purpose.

17       SECTION 3. This Act takes effect September 1, 2017.