

By: Burrows

H.B. No. 3836

A BILL TO BE ENTITLED

AN ACT

relating to importing pharmaceuticals from a foreign country.

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

SECTION 1. Subtitle C, Title 6, Health and Safety Code, is amended by adding Chapter 490 to read as follows:

CHAPTER 490. IMPORTING PHARMACEUTICALS FROM FOREIGN COUNTRY

Sec. 490.001. APPLICABILITY. This chapter applies only to a drug that is approved by the United States Food and Drug Administration.

Sec. 490.002. DRUGS FROM ANOTHER COUNTRY. (a) A person, including a pharmacist or physician, may obtain a drug from a pharmacy or manufacturer located in a foreign country.

(b) A pharmacist, physician, or other medical professional acting within the scope of the practitioner's license may dispense or administer to a patient a drug described by Subsection (a).

Sec. 490.003. LIABILITY. (a) A person acting in good faith under this chapter:

(1) is not criminally liable and is not subject to professional disciplinary action; and

(2) is not civilly liable for damages.

(b) For purposes of this section, good faith does not include wilful misconduct, gross negligence, or recklessness.

Sec. 490.004. RULES. The executive commissioner of the Health and Human Services Commission, in consultation with the

1 Texas State Board of Pharmacy, shall adopt rules to implement this
2 chapter.

3 SECTION 2. The following provisions of the Occupations Code
4 are repealed:

- 5 (1) Section 554.016;
- 6 (2) Section 556.0555;
- 7 (3) Section 560.001(c);
- 8 (4) Section 560.0525;
- 9 (5) Section 562.101(f-1);
- 10 (6) Section 562.111; and
- 11 (7) Subchapter E, Chapter 562.

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