

BILL ANALYSIS

H.B. 1668
By: Allison
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls to update provisions of the Texas Pharmacy Act and the Texas Controlled Substances Act with regard to the licensing and regulation of pharmacists and pharmacies that are inconsistent or in conflict with each other. H.B. 1668 seeks to provide for these updates.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1668 amends the Health and Safety Code to revise provisions relating to the regulation of pharmacists and pharmacies under the Texas Controlled Substances Act by:

- requiring a pharmacy that does not dispense any prescriptions for a Schedule II controlled substance during a period of seven consecutive days to report that fact to the Texas State Board of Pharmacy (TSBP), unless the pharmacy has obtained a waiver or permission to delay reporting to the TSBP;
- including as persons who the TSBP may permit to have access to certain official prescription information a pharmacist-intern or pharmacy technician trainee acting at the pharmacist's direction, provided the access complies with applicable federal law and regulations, and a practitioner inquiring about the prescribing activity of an individual to whom the practitioner has delegated prescribing authority;
- restricting the access of a pharmacist or a pharmacist-intern, pharmacy technician, or pharmacy technician trainee to inquiries about certain recent prescription histories and providing for the direct access to other states' information by these professionals who are registered with the TSBP for electronic access to the information;
- requiring a wholesale distributor to report to the TSBP distribution of all Schedules II-V controlled substances by the distributor to a person in Texas and removing that reporting requirement as it relates to the Automation of Reports and Consolidated Orders System of the Federal Drug Enforcement Administration; and
- changing the required meeting frequency of the interagency prescription monitoring work group from at least quarterly to when necessary as determined by the TSBP.

H.B. 1668 amends the Occupations Code to authorize the issuance of a Class E pharmacy license or nonresident pharmacy license to an out-of-state pharmacy whose primary business is to

process a prescription drug order for a patient, including a patient in Texas, or to perform another pharmaceutical service, as defined by TSBP rule. The bill repeals provisions relating to the designation, inspection, licensing, and practice of Canadian pharmacies and a provision prohibiting the renewal of a pharmacy license as a result of a certain disciplinary action taken against the pharmacy's license to operate in another state.

H.B. 1668 repeals the following provisions of the Occupations Code:

- Section 554.016
- Section 556.0555
- Section 560.001(c)
- Section 560.0525
- Section 561.003(f)
- Section 562.101(f-1)
- Section 562.111
- Subchapter E, Chapter 562

EFFECTIVE DATE

September 1, 2019.