By:  Dean, et al. (Senate Sponsor - Hughes) H.B. No. 2088

(In the Senate - Received from the House May 6, 2019; May 7, 2019, read first time and referred to Committee on Health & Human Services; May 20, 2019, reported favorably by the following vote: Yeas 9, Nays 0; May 20, 2019, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Buckingham        X

Campbell          X

Flores            X

Johnson           X

Miles             X

Powell            X

Seliger           X

A BILL TO BE ENTITLED

AN ACT

relating to providing information and other resources regarding safe disposal of Schedule II controlled substance prescription drugs.

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)  A person dispensing a Schedule II controlled substance under a prescription shall provide written notice, as defined by board rule adopted under Subsection (o), on the safe disposal of controlled substance prescription drugs, unless:

(1)  the Schedule II controlled substance prescription drug is dispensed at a pharmacy or other location that:

(A)  is authorized to take back those drugs for safe disposal; and

(B)  regularly accepts those drugs for safe disposal; or

(2)  the dispenser provides to the person to whom the Schedule II controlled substance prescription drug is dispensed, at the time of dispensation and at no cost to the person:

(A)  a mail-in pouch for surrendering unused controlled substance prescription drugs; or

(B)  chemicals to render any unused drugs unusable or non-retrievable.

(o)  The board shall adopt rules to prescribe the form of the written notice on the safe disposal of controlled substance prescription drugs required under Subsection (n). The notice must include information on locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal. The notice, in lieu of listing those locations, may provide the address of an Internet website specified by the board that provides a searchable database of locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal.

(p)  The board may take disciplinary action against a person who fails to comply with Subsection (n).

SECTION 2.  Section 481.075(n), Health and Safety Code, as added by this Act, applies only to a controlled substance prescription drug dispensed on or after January 1, 2020.

SECTION 3.  This Act takes effect September 1, 2019.

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