A BILL TO BE ENTITLED

AN ACT

relating to an acknowledgement on receipt of an opioid prescription drug.

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

SECTION 1. Section 481.074(a), Health and Safety Code, is amended to read as follows:

(a) A pharmacist may not:

(1) dispense or deliver a controlled substance or cause a controlled substance to be dispensed or delivered under the pharmacist's direction or supervision except under a valid prescription and in the course of professional practice;

(2) dispense a controlled substance if the pharmacist knows or should have known that the prescription was issued without a valid patient-practitioner relationship;

(3) fill a prescription that is not prepared or issued as prescribed by this chapter;

(4) permit or allow a person who is not a licensed pharmacist or pharmacist intern to dispense, distribute, or in any other manner deliver a controlled substance even if under the supervision of a pharmacist, except that after the pharmacist or pharmacist intern has fulfilled his professional and legal responsibilities, a nonpharmacist may complete the actual cash or credit transaction and delivery; [or]

(5) permit the delivery of a controlled substance to
any person not known to the pharmacist, the pharmacist intern, or
the person authorized by the pharmacist to deliver the controlled
substance without first requiring identification of the person
taking possession of the controlled substance, except as provided
by Subsection (n); or
(6) dispense or deliver an opioid without:
   (A) providing to the person taking possession of
   the opioid the acknowledgement form described by Section
   481.0761(l) providing a warning about the risks of opioid addiction
   and overdose;
   (B) receiving from that person the signed
   acknowledgement form; and
   (C) maintaining the signed acknowledgement form
   in the pharmacist's records.

SECTION 2. Section 481.0761, Health and Safety Code, is
amended by adding Subsection (l) to read as follows:
   (l) The board by rule shall adopt an acknowledgement form
   providing a warning about the risks of opioid addiction and
   overdose to be signed by a person on receipt of an opioid. The
   acknowledgement form must include language substantially similar
   to the following, in all capital letters and printed in 14-point
   font:
   "WARNING: THIS DRUG IS AN OPIOID. THE USE OF AN OPIOID MAY
   RESULT IN ADDICTION TO OPIOIDS AND DEATH."

SECTION 3. The Texas State Board of Pharmacy shall adopt the
rules required under Section 481.0761(l), Health and Safety Code,
as added by this Act, not later than January 1, 2020.
SECTION 4. The change in law made by this Act applies only
to a prescription for an opioid dispensed on or after March 1, 2020.
A prescription dispensed before March 1, 2020, is governed by the
law in effect immediately before the effective date of this Act, and
the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2019.