

By: West

S.B. No. 813

A BILL TO BE ENTITLED

AN ACT

relating to the prescribing of opioids.

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

SECTION 1. Subchapter C, Chapter 481, Health and Safety Code, is amended by adding Section 481.07635 to read as follows:

Sec. 481.07635. PRESCRIPTIONS OF OPIOIDS. (a) In this section, "acute pain" means pain with abrupt onset that is caused by an injury or other process that is not ongoing.

(b) For the initial treatment of acute pain, a prescriber may not issue a prescription for an opioid in an amount that exceeds a seven-day supply.

(c) On issuance of an initial opioid prescription under Subsection (b) for a patient who is a minor, a prescriber shall discuss with the patient and the patient's parent, conservator, or guardian, or other person authorized to consent to the minor's medical treatment:

(1) the risk of addiction and overdose associated with the use of opioid prescription drugs;

(2) the danger of taking the drug with benzodiazepines, alcohol, or other central nervous system depressants; and

(3) the reasons why the prescription is necessary for the patient.

(d) Notwithstanding Subsection (b), if, in the professional

1 medical judgment of a prescriber, more than a seven-day supply of an
2 opioid is required to treat the patient's acute pain or is necessary
3 for chronic pain management, for the treatment of pain associated
4 with a cancer diagnosis, or for palliative care, the practitioner
5 may issue a prescription for the quantity of the opioid needed to
6 treat the patient's pain. The prescriber shall document in the
7 patient's medical record:

8 (1) the specific medical condition that necessitated
9 greater than a seven-day supply of an opioid; and

10 (2) that in the prescriber's medical opinion, an
11 alternative non-opioid treatment was not appropriate to address the
12 medical condition.

13 (e) Subsection (b) does not apply to opioids prescribed to
14 treat substance abuse or opioid dependence.

15 (f) Before issuing any prescription for an opioid, a
16 prescriber shall:

17 (1) inform the patient that the patient has the option
18 of filling the prescription in a lesser quantity than that
19 prescribed; and

20 (2) inform the patient of the risks associated with
21 the opioid prescribed.

22 (g) At the request of the patient, a dispenser may dispense
23 an opioid in a quantity lower than the quantity listed on the
24 prescription. The dispenser may later fill the remaining quantity
25 of the prescription at the request of the patient.

26 (h) If the dispenser partially fills a prescription at the
27 request of a patient under Subsection (g), the dispenser shall

1 accurately record the amount dispensed in providing information to
2 the board. If the dispenser has access to the patient's electronic
3 health record, the dispenser shall also note the partial filling of
4 the prescription not later than the seventh day after the date the
5 opioid is dispensed.

6 (i) This section does not apply to a prescriber or dispenser
7 who is a veterinarian.

8 SECTION 2. Section 481.003(a), Health and Safety Code, is
9 amended to read as follows:

10 (a) The director may adopt rules to administer and enforce
11 this chapter, other than Sections 481.073, 481.074, 481.075,
12 481.076, 481.0761, 481.0762, 481.0763, 481.07635, 481.0764,
13 481.0765, and 481.0766. The board may adopt rules to administer
14 Sections 481.073, 481.074, 481.075, 481.076, 481.0761, 481.0762,
15 481.0763, 481.07635, 481.0764, 481.0765, and 481.0766.

16 SECTION 3. Section 554.051(a-1), Occupations Code, is
17 amended to read as follows:

18 (a-1) The board may adopt rules to administer Sections
19 481.073, 481.074, 481.075, 481.076, 481.0761, 481.0762, 481.0763,
20 481.07635, 481.0764, 481.0765, and 481.0766, Health and Safety
21 Code.

22 SECTION 4. Section 565.003, Occupations Code, is amended to
23 read as follows:

24 Sec. 565.003. ADDITIONAL GROUNDS FOR DISCIPLINE REGARDING
25 APPLICANT FOR OR HOLDER OF NONRESIDENT PHARMACY LICENSE. Unless
26 compliance would violate the pharmacy or drug statutes or rules in
27 the state in which the pharmacy is located, the board may discipline

1 an applicant for or the holder of a nonresident pharmacy license if
2 the board finds that the applicant or license holder has failed to
3 comply with:

4 (1) Section 481.073, 481.074, [ex] 481.075, 481.076,
5 481.0761, 481.0762, 481.0763, 481.07635, 481.0764, 481.0765, or
6 481.0766, Health and Safety Code;

7 (2) Texas substitution requirements regarding:

8 (A) the practitioner's directions concerning
9 generic substitution;

10 (B) the patient's right to refuse generic
11 substitution; or

12 (C) notification to the patient of the patient's
13 right to refuse substitution;

14 (3) any board rule relating to providing drug
15 information to the patient or the patient's agent in written form or
16 by telephone; or

17 (4) any board rule adopted under Section 554.051(a)
18 and determined by the board to be applicable under Section
19 554.051(b).

20 SECTION 5. Section 481.07635, Health and Safety Code, as
21 added by this Act, applies only to a prescription issued on or after
22 the effective date of this Act. A prescription issued before the
23 effective date of this Act is governed by the law in effect on the
24 date the prescription is issued, and the former law is continued in
25 effect for that purpose.

26 SECTION 6. This Act takes effect September 1, 2019.