

By: Shaheen

H.B. No. 456

A BILL TO BE ENTITLED

AN ACT

relating to the dispensing of certain drugs by physicians.

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

SECTION 1. Section 157.002(f), Occupations Code, is amended to read as follows:

(f) Subsections (b) and (c) do not authorize a physician or a person acting under the supervision of a physician to keep a pharmacy, advertised or otherwise, for the retail sale of dangerous drugs, other than as authorized under Section 158.001(b) [158.003], without complying with the applicable laws relating to the dangerous drugs.

SECTION 2. Section 158.001, Occupations Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) In this section, "dangerous drug" has the meaning assigned by Section 483.001, Health and Safety Code.

(a-1) A physician licensed under this subtitle may supply a patient with any drug, remedy, or clinical supply necessary to meet the patient's immediate needs.

(b) A physician may dispense dangerous drugs to the physician's patients and charge the patients for the drugs [~~This section does not permit a physician to operate a retail pharmacy~~] without complying with Chapter 558.

SECTION 3. Section 551.004(b), Occupations Code, is amended

1 to read as follows:

2 (b) This subtitle does not prevent a practitioner from:

3 (1) administering a drug to a patient of the
4 practitioner; or

5 (2) supplying dangerous drugs to a patient as provided
6 by Section 158.001(b).

7 SECTION 4. Section 563.051(d), Occupations Code, is amended
8 to read as follows:

9 (d) This section does not authorize a physician or a person
10 acting under the supervision of a physician to keep a pharmacy,
11 advertised or otherwise, for the retail sale of dangerous drugs,
12 other than as authorized under Section 158.001(b) [~~158.003~~],
13 without complying with the applicable laws relating to the
14 dangerous drugs.

15 SECTION 5. The following provisions of the Occupations Code
16 are repealed:

17 (1) Section 158.003; and

18 (2) Section 563.053.

19 SECTION 6. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.