88R3072 BEE-D

By:  Hinojosa H.B. No. 1050

A BILL TO BE ENTITLED

AN ACT

relating to the authority of pharmacists to dispense self-administered hormonal contraceptives.

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

SECTION 1.  Subchapter C, Chapter 157, Occupations Code, is amended by adding Section 157.102 to read as follows:

Sec. 157.102.  AUTHORIZATION TO DISPENSE SELF-ADMINISTERED HORMONAL CONTRACEPTIVE UNDER WRITTEN PROTOCOL. (a) In this section:

(1)  "Pharmacist" has the meaning assigned by Section 551.003.

(2)  "Written protocol" means a physician's written order, standing medical order, standing delegation order, or other order or protocol as defined by board rule.

(b)  This section does not apply to:

(1)  the issuing of a valid patient-specific prescription for a hormonal contraceptive by a physician; or

(2)  the dispensing of a hormonal contraceptive by a pharmacist under a prescription described by Subdivision (1).

(c)  A physician may issue a written protocol to authorize the dispensing of a self-administered hormonal contraceptive that is approved by the United States Food and Drug Administration to prevent pregnancy, including an oral hormonal contraceptive, a hormonal contraceptive vaginal ring, or a hormonal contraceptive patch.

(d)  Notwithstanding any other law, in accordance with rules adopted under Subsection (e), a pharmacist may dispense a self-administered hormonal contraceptive to a patient 18 years of age or older under a written protocol and without any other patient-specific prescription drug order.

(e)  In consultation with a national professional organization specializing in obstetrics and gynecology, the board shall jointly adopt rules with the Texas State Board of Pharmacy to establish standard procedures for a pharmacist to dispense a self-administered hormonal contraceptive under this section. Rules adopted under this subsection must require:

(1)  a patient to complete and provide to a pharmacist a nationally recognized self-screening risk assessment before the pharmacist may dispense a self-administered hormonal contraceptive to the patient; and

(2)  a pharmacist to provide the patient with information about the contraceptive dispensed to the patient.

(f)  A physician acting reasonably and in good faith in issuing a written protocol for dispensing, or a pharmacist acting reasonably and in good faith in dispensing, a self-administered hormonal contraceptive under this section is not liable for civil damages resulting from an act or omission in the dispensing of the contraceptive.

(g)  A law governing coverage by a health benefit plan of a contraceptive drug, device, product, or service applies to a self-administered hormonal contraceptive dispensed under this section to the same extent that the law applies to a self-administered hormonal contraceptive dispensed under a patient-specific prescription issued by a physician.

SECTION 2.  Section 551.003(33), Occupations Code, is amended to read as follows:

(33)  "Practice of pharmacy" means:

(A)  providing an act or service necessary to provide pharmaceutical care;

(B)  interpreting or evaluating a prescription drug order or medication order;

(C)  participating in drug or device selection as authorized by law, and participating in drug administration, drug regimen review, or drug or drug-related research;

(D)  providing patient counseling;

(E)  being responsible for:

(i)  dispensing a prescription drug order or distributing a medication order;

(ii)  compounding or labeling a drug or device, other than labeling by a manufacturer, repackager, or distributor of a nonprescription drug or commercially packaged prescription drug or device;

(iii)  properly and safely storing a drug or device; or

(iv)  maintaining proper records for a drug or device;

(F)  performing for a patient a specific act of drug therapy management delegated to a pharmacist by a written protocol from a physician licensed in this state in compliance with Subtitle B; [~~or~~]

(G)  administering an immunization or vaccination under a physician's written protocol; or

(H)  dispensing a self-administered hormonal contraceptive to a patient under a physician's written protocol under Section 157.102.

SECTION 3.  Section 483.001(11), Health and Safety Code, is amended to read as follows:

(11)  "Practice of pharmacy" has the meaning assigned by Section 551.003, Occupations Code [~~means:~~

[~~(A)  provision of those acts or services necessary to provide pharmaceutical care;~~

[~~(B)  interpretation and evaluation of prescription drug orders or medication orders;~~

[~~(C)  participation in drug and device selection as authorized by law, drug administration, drug regimen review, or drug or drug-related research;~~

[~~(D)  provision of patient counseling;~~

[~~(E)  responsibility for:~~

[~~(i)  dispensing of prescription drug orders or distribution of medication orders in the patient's best interest;~~

[~~(ii)  compounding and labeling of drugs and devices, except labeling by a manufacturer, repackager, or distributor of nonprescription drugs and commercially packaged prescription drugs and devices;~~

[~~(iii)  proper and safe storage of drugs and devices; or~~

[~~(iv)  maintenance of proper records for drugs and devices. In this subdivision, "device" has the meaning assigned by Subtitle J, Title 3, Occupations Code; or~~

[~~(F)  performance of a specific act of drug therapy management for a patient delegated to a pharmacist by a written protocol from a physician licensed by the state under Subtitle B, Title 3, Occupations Code~~].

SECTION 4.  As soon as practicable after the effective date of this Act, the Texas State Board of Pharmacy and the Texas Medical Board shall adopt the rules required under Section 157.102, Occupations Code, as added by this Act.

SECTION 5.  This Act takes effect September 1, 2023.