H.B. No. 4331

AN ACT

relating to the donors of certain unused prescription drugs.

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

SECTION 1.  Section 442.001(1), Health and Safety Code, is amended to read as follows:

(1)  "Donor" means an individual, a prescription drug manufacturer, or a health care facility, including a pharmacy, that [~~who~~] donates unused prescription drugs under this chapter to a participating provider.

SECTION 2.  Section 442.056, Health and Safety Code, is amended to read as follows:

Sec. 442.056.  RECIPIENT FORM.  Before accepting a donated prescription drug under this chapter, a recipient shall sign a form prescribed by the department stating that:

(1)  the recipient acknowledges that if the donor is an individual, prescription drug manufacturer, or health care facility other than a pharmacy, the donor is not a pharmacist and the donor took ordinary care of the prescription drug;

(2)  the recipient acknowledges that the donor is known to the participating provider and that there is no reason to believe that the prescription drug was improperly handled or stored;

(3)  by accepting the prescription drug, the recipient accepts any risk that an accidental mishandling could create; and

(4)  the recipient releases the donor, participating provider, and manufacturer of the drug from liability related to the prescription drug.

SECTION 3.  This Act takes effect September 1, 2023.

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    President of the Senate Speaker of the House

I certify that H.B. No. 4331 was passed by the House on April 28, 2023, by the following vote:  Yeas 140, Nays 4, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4331 was passed by the Senate on May 17, 2023, by the following vote:  Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor