

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

1 patch.

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

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

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

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

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

25 (g) A law governing coverage by a health benefit plan of a  
26 contraceptive drug, device, product, or service applies to a  
27 self-administered hormonal contraceptive dispensed under this

1 section to the same extent that the law applies to a  
2 self-administered hormonal contraceptive dispensed under a  
3 patient-specific prescription issued by a physician.

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

6 (33) "Practice of pharmacy" means:

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

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

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

14 (D) providing patient counseling;

15 (E) being responsible for:

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

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

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

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

26 (F) performing for a patient a specific act of  
27 drug therapy management delegated to a pharmacist by a written

1 protocol from a physician licensed in this state in compliance with  
2 Subtitle B; ~~[or]~~

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

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

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

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

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

14 ~~[(B) interpretation and evaluation of~~  
15 ~~prescription drug orders or medication orders,~~

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

19 ~~[(D) provision of patient counseling,~~

20 ~~[(E) responsibility for:~~

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

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

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

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

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

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

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