

By: Plesa

H.B. No. 2853

A BILL TO BE ENTITLED

AN ACT

relating to an order issued by the commissioner of state health services to authorize emergency contraceptives.

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

SECTION 1. Subchapter D, Chapter 1001, Health and Safety Code, is amended by adding Section 1001.090 to read as follows:

Sec. 1001.090. ORDER AUTHORIZING EMERGENCY CONTRACEPTIVES.

(a) In this section, "emergency contraceptive" means a drug approved by the United States Food and Drug Administration for use after sexual intercourse to prevent pregnancy. The term includes a drug provided over the counter or dispensed under a prescription.

(b) The commissioner shall issue a statewide order to authorize a licensed pharmacist to dispense an emergency contraceptive notwithstanding any other law.

(c) The order must include written, standardized procedures or protocols for a pharmacist to dispense an emergency contraceptive and require the pharmacist to provide to each patient instructions on the proper use of the emergency contraceptive.

(d) Notwithstanding any other law, a pharmacist may dispense an emergency contraceptive in accordance with the order.

(e) Except for wilful misconduct or gross negligence and notwithstanding any other law, a pharmacist acting in good faith is not criminally or civilly liable or subject to professional disciplinary action for dispensing an emergency contraceptive in

1 accordance with the order.

2 (f) A pharmacist dispensing an emergency contraceptive
3 shall provide an annual written report in the form and manner
4 prescribed by department rule on the number of emergency
5 contraceptives the pharmacist dispensed in the preceding calendar
6 year.

7 (g) The executive commissioner and the Texas State Board of
8 Pharmacy may adopt the rules necessary to implement this section.

9 SECTION 2. As soon as practicable after the effective date
10 of this Act, the commissioner of state health services shall issue
11 an order in accordance with Section 1001.090, Health and Safety
12 Code, as added by this Act.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2023.