

By: Johnson of Dallas

H.B. No. 3774

A BILL TO BE ENTITLED

AN ACT

relating to civil and criminal liability for pharmacists and pharmacies that dispense misoprostol.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 180 to read as follows:

CHAPTER 180. LIMITATIONS ON LIABILITY FOR PROVISION OF HEALTH CARE SERVICES

Sec. 180.001. LIMITED LIABILITY FOR DISPENSING MISOPROSTOL. Notwithstanding any other law, a pharmacist or pharmacy is not civilly or criminally liable for dispensing misoprostol, as prescribed by a physician, for use in the treatment of a medical condition if at least one use of misoprostol is authorized under state law to treat a medical condition, regardless of whether prescribing or dispensing misoprostol for another use is illegal under state law.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.