

By: Hall

S.B. No. 301

A BILL TO BE ENTITLED

AN ACT

relating to prescribing, dispensing, administering, or otherwise providing ivermectin or hydroxychloroquine sulfate.

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

SECTION 1. Chapter 439, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. IVERMECTIN AND HYDROXYCHLOROQUINE SULFATE

Sec. 439.051. DEFINITIONS. In this subchapter:

(1) "Health care provider" means a person licensed or otherwise authorized under state law to prescribe prescription drugs to a patient.

(2) "Pharmacist" means a person licensed by the Texas State Board of Pharmacy to practice pharmacy.

Sec. 439.052. PROHIBITED GROUNDS FOR DISCIPLINARY ACTION.

The state agency with licensing or regulatory authority over a health care provider or pharmacist may not revoke, fail to renew, suspend, or take any action against the health care provider's or pharmacist's license, permit, registration, certificate, or other authority based solely on the health care provider or pharmacist prescribing, dispensing, administering, or otherwise providing ivermectin or hydroxychloroquine sulfate to a patient.

Sec. 439.053. CERTAIN COMMUNICATIONS BY PHARMACIST

PROHIBITED. A pharmacist may not contact a health care provider or patient to dispute the efficacy or otherwise provide medical advice

1 on the safety of ivermectin or hydroxychloroquine sulfate for human  
2 consumption unless the provider or patient asks the pharmacist  
3 about the efficacy or safety of those drugs.

4 Sec. 439.054. CIVIL LIABILITY. A health care provider or  
5 pharmacist who prescribes, dispenses, administers, or otherwise  
6 provides ivermectin or hydroxychloroquine sulfate in accordance  
7 with this subchapter is immune from civil liability based solely on  
8 that action unless the action constitutes gross negligence or  
9 wilful misconduct.

10 SECTION 2. The changes in law made by this Act apply to a  
11 prescription issued or a drug dispensed, administered, or provided  
12 on or after the effective date of 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.