

By: Alvarado

S.B. No. 2173

A BILL TO BE ENTITLED

AN ACT

relating to a pilot program for the safe disposal of controlled substance prescription drugs.

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

SECTION 1. Subtitle A, Title 6, Health and Safety Code, is amended by adding Chapter 442A to read as follows:

CHAPTER 442A. CONTROLLED SUBSTANCE PRESCRIPTION DRUG SAFE DISPOSAL PILOT PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 442A.001. DEFINITIONS. In this chapter:

(1) "Board" means the Texas State Board of Pharmacy.

(2) "Controlled substance" has the meaning assigned by Section 481.002.

(3) "Pharmacy" means a facility licensed under Chapter 560, Occupations Code.

(4) "Pilot program" means the controlled substance prescription drug safe disposal pilot program established under this chapter.

(5) "Prescription drug" has the meaning assigned by Section 551.003, Occupations Code.

Sec. 442A.002. CONTROLLED SUBSTANCE PRESCRIPTION DRUG SAFE DISPOSAL PILOT PROGRAM. The board by rule shall develop and implement a controlled substance prescription drug safe disposal pilot program to increase the number of locations in this state in

1 which unused controlled substance prescription drugs are collected  
2 from the public for safe disposal.

3 SUBCHAPTER B. PHARMACY PARTICIPATION

4 Sec. 442A.051. PHARMACY ELIGIBILITY. A pharmacy operating  
5 in this state may apply to the board to participate in the pilot  
6 program if the pharmacy:

7 (1) is registered with the United States Drug  
8 Enforcement Administration;

9 (2) is not the subject of state or federal opioid  
10 litigation; and

11 (3) meets the eligibility requirements established by  
12 board rules.

13 Sec. 442A.052. APPLICATION AND SELECTION PROCESSES. (a)  
14 The board shall adopt rules prescribing:

15 (1) the form and manner for a pharmacy to apply for  
16 participation in the pilot program; and

17 (2) evaluation and selection criteria and processes.

18 (b) The board shall give priority to a pharmacy applicant  
19 that:

20 (1) does not collect unused controlled substance  
21 prescription drugs at the time the applicant submits the  
22 application; or

23 (2) is located in a rural or underserved area the board  
24 designates.

25 (c) A pharmacy that operates multiple locations must submit  
26 an application for each location.

27 Sec. 442A.053. COLLECTION RECEPTACLE REQUIREMENTS. A

1 participating pharmacy that provides a collection receptacle for  
2 the safe disposal of controlled substance prescription drugs shall  
3 ensure the receptacle:

4 (1) meets the requirements of 21 C.F.R. Section  
5 1317.75;

6 (2) is accessible during the pharmacy's regular hours  
7 of operation;

8 (3) allows anonymous returns of unused controlled  
9 substance prescription drugs; and

10 (4) provides disposal of unused controlled substance  
11 prescription drugs at no cost to the person returning the drugs.

12 Sec. 442A.054. MAIL-BACK REQUIREMENTS. A participating  
13 pharmacy that provides a mail-back program for the safe disposal of  
14 controlled substance prescription drugs shall:

15 (1) ensure the program meets the requirements of 21  
16 C.F.R. Section 1317.70; and

17 (2) provide at the time the pharmacy dispenses a  
18 controlled substance prescription drug, at no cost to the person to  
19 whom the drug is prescribed, a mail-in pouch for the person to  
20 surrender any unused drugs by mail.

21 Sec. 442A.055. PHARMACY MANAGEMENT; RECORDS. A  
22 participating pharmacy is responsible for the daily management and  
23 recordkeeping of the pharmacy's controlled substance prescription  
24 drug safe disposal program in accordance with the pharmacy's United  
25 States Drug Enforcement Administration registration.

26 Sec. 442A.056. TEXAS PREMIER PHARMACY DESIGNATION. (a)  
27 The board shall designate each pharmacy participating in the pilot

1 program as a Texas premier pharmacy provider committed to safe  
2 opioid disposal.

3 (b) A participating pharmacy may use the designation for  
4 marketing purposes.

5 SUBCHAPTER C. BOARD DUTIES

6 Sec. 442A.101. PILOT PROGRAM INCENTIVES. (a) The board  
7 shall assist each pharmacy participating in the pilot program with  
8 establishing and operating a plan for the safe return of controlled  
9 substance prescription drugs under the pilot program, including by  
10 paying the costs of:

11 (1) one collection receptacle for each pharmacy  
12 location;

13 (2) supplies necessary for a mail-back program,  
14 including envelopes and shipping costs;

15 (3) destruction of collected drugs through  
16 incineration; and

17 (4) other operational needs as the board determines  
18 appropriate.

19 (b) The board may:

20 (1) provide reimbursement costs directly to a  
21 participating pharmacy for the costs the pharmacy incurs in  
22 establishing and operating the plan under Subsection (a); or

23 (2) contract with a vendor to provide directly to the  
24 participating pharmacy the supplies and services necessary to  
25 implement the plan and reimburse the vendor for providing the  
26 supplies and services.

27 (c) Subject to money available for purposes of this chapter,

1 the board may provide financial incentives to a pharmacy that is  
2 providing drug collection services to continue providing those  
3 services or expand those services to accommodate controlled  
4 substance prescriptions. The board may provide incentives to a  
5 chain retail pharmacy for not more than 15 locations.

6 Sec. 442A.102. COMMUNITY OUTREACH. (a) The board shall:

7 (1) develop and distribute educational outreach  
8 materials for the public about the availability of safe controlled  
9 substance prescription drug disposal in this state;

10 (2) post the materials on the board's Internet  
11 website; and

12 (3) provide the materials to other state agencies for  
13 those agencies to conduct the community outreach.

14 (b) The educational outreach materials must be in English,  
15 Spanish, and, if applicable, another language spoken by a  
16 substantial portion of the residents in a specific area of this  
17 state.

18 Sec. 442A.103. REPORT. Not later than December 1 of each  
19 even-numbered year, the board shall submit to the governor, the  
20 lieutenant governor, and the legislature a report that:

21 (1) summarizes the results of the pilot program,  
22 including:

23 (A) the number and geographic distribution of  
24 collection receptacles;

25 (B) the amount of controlled substance  
26 prescription drugs disposed by pharmacies under the pilot program;

27 (C) the amount and recipient of money distributed

1 under the pilot program; and

2 (D) a description of the board's educational  
3 efforts and outcomes; and

4 (2) recommends whether the pilot program should  
5 continue, be expanded, or terminate or whether the board should  
6 permanently implement a controlled substance prescription drug  
7 safe disposal program.

8 SUBCHAPTER D. FUNDING

9 Sec. 442A.151. FUNDING. (a) Money contained in the opioid  
10 abatement account established under Section 403.505, Government  
11 Code, as added by Chapter 781 (S.B. 1827), Acts of the 87th  
12 Legislature, Regular Session, 2021, may be appropriated to the  
13 board to fund the pilot program established under this chapter.

14 (b) The board may collect gifts, grants, and donations to  
15 fund the program.

16 SUBCHAPTER E. EXPIRATION

17 Sec. 442A.201. EXPIRATION. This chapter expires September  
18 1, 2029.

19 SECTION 2. As soon as practicable after the effective date  
20 of this Act, the Texas State Board of Pharmacy shall implement the  
21 controlled substance prescription drug safe disposal pilot program  
22 developed under Chapter 442A, Health and Safety Code, as added by  
23 this Act.

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