

BILL ANALYSIS

H.B. 1027
By: Shaheen
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that there are currently 868 health professional shortage areas, 206 medically underserved areas, and 631 towns without a pharmacy in Texas, affecting one million residents. State laws and regulations impose numerous restrictions that limit the availability of telepharmacy services, including a prohibition against remote pharmacies operating within 22 miles of a community pharmacy and a prohibition against remote pharmacies dispensing Schedule II controlled substances. State law also requires that a pharmacist employed by a provider pharmacy make monthly on-site visits to remote dispensing sites under a telepharmacy system. H.B. 1027 aims to help increase pharmacy access in Texas by prohibiting the adoption of mileage restrictions related to the location of a telepharmacy system or remote dispensing site and removing and repealing certain restrictions on remote pharmacy operations, including the monthly visitation requirement and the prohibition against dispensing a Schedule II controlled substance.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1027 amends the Occupations Code to prohibit the Texas State Board of Pharmacy (TSBP) from adopting any rule, policy, or other directive imposing any mileage restriction related to the location of a telepharmacy system or remote dispensing site. The bill removes requirements for the TSBP rules regarding the use of telepharmacy systems to include rules regarding the following:

- the types of state or federally regulated health care facilities in Texas at which a telepharmacy system may be located, which must include a rural health clinic, a health center, and a federally qualified health center, as designated or defined by federal law, as applicable;
- the locations eligible to be licensed as remote dispensing sites, which must include locations in medically underserved areas, areas with a medically underserved population, and health professional shortage areas determined by the U.S. Department of Health and Human Services; and
- a requirement that a pharmacist employed by a provider pharmacy make at least monthly on-site visits to a remote dispensing site or more frequent visits if specified by TSBP rule.

The bill accordingly repeals provisions relating to those mileage restrictions and to the location of a telepharmacy system as determined by TSBP rule and also repeals provisions that prohibit a telepharmacy system located at a remote dispensing site from dispensing a Schedule II controlled substance as established by the commissioner of state health services under the Texas Controlled Substances Act.

H.B. 1027 repeals the following provisions of the Occupations Code:

- Sections 562.110(f), (f-1), (i), and (j);
- Sections 562.110(g) and (h), as added by Chapter 485 (H.B. 2561), Acts of the 85th Legislature, Regular Session, 2017; and
- Sections 562.110(g) and (h), as added by Chapter 929 (S.B. 1633), Acts of the 85th Legislature, Regular Session, 2017.

EFFECTIVE DATE

September 1, 2025.