BILL ANALYSIS

Senate Research Center
89R3416 EAS-F

S.B. 883
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the COVID-19 pandemic, patients who were prescribed medication to combat COVID-19 were sometimes denied their medication by pharmacists.

The Right to Treat Act protects the patient-physician relationship. Specifically, physicians are allowed the right to treat by enabling a patient to access and a physician to prescribe off-label use prescription drugs that may aid in the patient's treatment of and recovery from COVID-19.

As proposed, S.B. 883 amends current law relating to patient access to prescription drugs for off-label use for COVID-19 treatment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Requires that this Act be known as the Right to Treat Act.

(b) Provides that the legislature finds that:

(1) the relationship between a physician and patient is valued;

(2) during the COVID-19 pandemic, many patients have been frustrated to learn that their physicians are discouraged from prescribing for off-label use prescription drugs that may aid in the patient's treatment of and recovery from COVID-19; and

(3) this Act is intended to enable a patient to access and a physician to prescribe for off-label use prescription drugs that may aid in the patient's treatment of and recovery from COVID-19.

SECTION 2. Amends Subtitle C, Title 6, Health and Safety Code, by adding Chapter 491, as follows:

CHAPTER 491. OFF-LABEL USE OF PRESCRIPTION DRUGS FOR COVID-19 TREATMENT

Sec. 491.001. DEFINITIONS. Defines "COVID-19," "off-label use," and "physician."

Sec. 491.002. APPLICABILITY. Provides that this chapter applies only to the prescribing of a prescription drug the United States Food and Drug Administration has approved for human use.

Sec. 491.003. PROHIBITED STATE INTERFERENCE WITH PATIENT ACCESS TO OFF-LABEL USE OF PRESCRIPTION DRUG. Prohibits an official, employee, or agent of this state from prohibiting or restricting a physician from prescribing for off-

label use a prescription drug to treat a patient who is exposed to or diagnosed with COVID-19.

Sec. 491.004. NO CAUSE OF ACTION CREATED. Provides that this chapter does not create a private or state cause of action against a manufacturer of a prescription drug approved by the United States Food and Drug Administration or against a physician or any other person involved in the care of a patient who is exposed to or diagnosed with COVID-19 for any harm to the patient resulting from the off-label use of the drug in the treatment of COVID-19.

Sec. 491.005. PROHIBITED ACTION AGAINST PHYSICIAN'S LICENSE. Prohibits the Texas Medical Board, notwithstanding any other law, from revoking, failing to renew, suspending, or taking any other adverse action against a physician's license under Subchapter B (License Denial and Disciplinary Actions), Chapter 164, Occupations Code, based solely on the physician's prescribing a prescription drug for off-label use to treat a patient who is exposed to or diagnosed with COVID-19, provided the physician's treatment of the patient meets the medical standard of care.

SECTION 3. Effective date: upon passage or September 1, 2025.