

By: Guillen

H.B. No. 5248

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 442A.001, Health and Safety Code, is amended to read as follows:

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

(1) "Collection receptacle" means a receptacle as described by 21 C.F.R. Section 1317.75 [~~"Board" means the Texas State Board of Pharmacy~~].

(2) "Commission" means the Texas Commission on Environmental Quality.

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

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

(5) [~~(4)~~] "Pilot program" means the prescription drug safe disposal pilot program established under this chapter.

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

(7) [~~(6)~~] "Ultimate user" has the meaning assigned by 21 U.S.C. Section 802.

SECTION 2. Section 442A.002, Health and Safety Code, is amended to read as follows:

1 Sec. 442A.002. PRESCRIPTION DRUG SAFE DISPOSAL PILOT
2 PROGRAM. The commission [~~board~~] by rule shall develop and
3 implement a prescription drug safe disposal pilot program to
4 increase the number of collection receptacles [~~locations~~] in this
5 state where unused, unwanted, or expired prescription drugs are
6 collected from the public for safe disposal.

7 SECTION 3. Section 442A.051, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 442A.051. PHARMACY ELIGIBILITY. A pharmacy operating
10 in this state may apply to the commission [~~board~~] to participate in
11 the pilot program if the pharmacy:

12 (1) is eligible to register [~~registered~~] as an
13 authorized drug collection site with the United States Drug
14 Enforcement Administration; and

15 (2) [~~is not the subject of state or federal opioid~~
16 ~~litigation; and~~

17 [~~(3)~~] meets the eligibility requirements established
18 by 21 C.F.R. Section 1317.40 [~~and board rules~~].

19 SECTION 4. Section 442A.052, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 442A.052. APPLICATION AND SELECTION PROCESSES. (a)
22 The commission [~~board~~] shall prescribe [~~adopt rules prescribing~~

23 [~~(1)~~] the form and manner for a pharmacy to apply for
24 participation in the pilot program[~~, and~~

25 [~~(2) evaluation and selection criteria and~~
26 ~~processes~~].

27 [~~(b)~~] The commission [~~board~~] shall give priority for

1 participation in the pilot program to a pharmacy applicant that:

2 (1) does not collect unused ultimate user prescription
3 drugs under 21 C.F.R. Part 1317 at the time the applicant submits
4 the application; or

5 (2) is located in a rural or underserved area the
6 commission ~~[board]~~ designates.

7 (c) A pharmacy that operates multiple locations may ~~[must]~~
8 submit one ~~[an]~~ application to apply for the program for all of the
9 locations, provided the application includes information specific
10 to each location, including the physical address, phone number,
11 location name, and pharmacy manager's name ~~[for each location]~~.
12 Each location is separately evaluated for prioritization under
13 Subsection (a).

14 SECTION 5. Section [442A.053](#)(b), Health and Safety Code, is
15 amended to read as follows:

16 (b) Controlled substance prescription drugs, ~~[and]~~
17 noncontrolled substance prescription drugs, and over-the-counter
18 drugs may be collected together and comingled.

19 SECTION 6. Section [442A.055](#), Health and Safety Code, is
20 amended to read as follows:

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

26 SECTION 7. The heading to Subchapter [C](#), Chapter [442A](#),
27 Health and Safety Code, is amended to read as follows:

SUBCHAPTER C. COMMISSION ~~[BOARD]~~ DUTIES

SECTION 8. Section 442A.101, Health and Safety Code, is amended to read as follows:

Sec. 442A.101. PILOT PROGRAM INCENTIVES. (a) The commission ~~[board]~~ shall assist each pharmacy participating in the pilot program, including by paying ~~[the costs of]~~:

(1) the costs of maintaining one collection receptacle at each participating pharmacy location and destroying through incineration of the receptacle's full inner liner the prescription drugs deposited in the receptacle; and

(2) a one-time fee to offset the initial costs of program participation ~~[ordering and distributing pre-addressed, return postage paid mail-back envelopes from a third-party mail-back program and destroying through incineration the returned mail-back envelopes containing the collected prescription drugs, and~~

~~[(3) other operational needs the board determines appropriate].~~

(b) The commission may contract with a United States Drug Enforcement Administration reverse distributor to install the collection receptacles at participating pharmacy locations and to treat at an incineration facility registered with the United States Drug Enforcement Administration the waste collected through the receptacles ~~[board]~~.

~~[(1) shall directly reimburse a participating pharmacy for costs the pharmacy incurs under Subsection (a), and~~

~~[(2) may not reimburse a participating pharmacy for~~

1 ~~the cost of using a third-party incineration facility unless the~~
2 ~~facility is appropriately registered with the United States Drug~~
3 ~~Enforcement Administration].~~

4 (c) ~~[Subject to money available for purposes of this~~
5 ~~chapter, the board may provide financial incentives to a pharmacy~~
6 ~~to continue providing prescription drug collection services or~~
7 ~~expand those services to accommodate controlled substance~~
8 ~~prescriptions.]~~ The commission ~~[board]~~ may provide financial
9 incentives to a chain retail pharmacy for not more than 15
10 locations.

11 SECTION 9. Section 442A.102, Health and Safety Code, is
12 amended to read as follows:

13 Sec. 442A.102. COMMUNITY OUTREACH. (a) The commission
14 ~~[board]~~ shall:

15 (1) develop and distribute educational outreach
16 materials for the public about the availability of safe
17 prescription drug disposal in this state;

18 (2) post the materials on the commission's ~~[board's]~~
19 Internet website; ~~[and]~~

20 (3) provide the materials to other state agencies,
21 including the Texas State Board of Pharmacy, for those agencies to
22 conduct the community outreach; and

23 (4) create education materials for voluntary use by a
24 participating pharmacy.

25 (b) The educational outreach materials must be in English,
26 Spanish, and for specific areas of this state as the commission
27 ~~[board]~~ determines appropriate, another language spoken by a

1 substantial portion of the area's residents.

2 SECTION 10. Section 442A.103, Health and Safety Code, is
3 amended to read as follows:

4 Sec. 442A.103. REPORT. Not later than December 1 of each
5 even-numbered year, the commission ~~[board]~~ shall submit to the
6 governor and the legislature a report that:

7 (1) summarizes the results of the pilot program,
8 including:

9 (A) the number and geographic distribution of
10 collection receptacles at participating pharmacies;

11 (B) the estimated amount of prescription drugs
12 collected by participating pharmacies under the program, measured
13 by:

14 (i) the number of inner liners fully filled
15 with collected prescription drugs and sent for incineration by the
16 pharmacies; and

17 ~~(ii) [the number of mail-back envelopes~~
18 ~~distributed by the pharmacies, and~~

19 ~~[(iii)]~~ the weight, measured in pounds, of
20 the ~~[+]~~

21 ~~[(a)]~~ inner liners described by
22 Subparagraph (i) ~~[, and~~

23 ~~[(b) returned mail-back envelopes~~
24 ~~filled with collected prescription drugs];~~

25 (C) the cost of the pilot program;

26 (D) ~~[amount of money distributed under the pilot~~
27 ~~program and]~~ the identity of each participating pharmacy to which

1 money is distributed; and

2 (E) [~~(D)~~] a description of the commission's
3 [~~board's~~] educational efforts and outcomes; and

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

8 SECTION 11. Section 442A.151, Health and Safety Code, is
9 amended to read as follows:

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

16 (b) The commission [~~board~~] may collect gifts, grants, and
17 donations to fund the program.

18 SECTION 12. Section 442A.056, Health and Safety Code, is
19 repealed.

20 SECTION 13. As soon as practicable after the effective date
21 of this Act, the Texas Commission on Environmental Quality shall
22 implement the prescription drug safe disposal program developed
23 under Chapter 442A, Health and Safety Code, as required by this Act.

24 SECTION 14. This Act takes effect September 1, 2025.