

By: Paxton, Hall

S.B. No. 883

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to patient access to prescription drugs for off-label use  
3 for COVID-19 treatment.

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

5 SECTION 1. (a) This Act shall be known as the Right to Treat  
6 Act.

7 (b) The legislature finds that:

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

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

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

18 SECTION 2. Subtitle C, Title 6, Health and Safety Code, is  
19 amended by adding Chapter 491 to read as follows:

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

21 TREATMENT

22 Sec. 491.001. DEFINITIONS. In this chapter:

23 (1) "COVID-19" means the 2019 novel coronavirus  
24 disease.

1           (2) "Off-label use" means the use of a prescription  
2 drug approved for use by the United States Food and Drug  
3 Administration in a manner other than the approved use.

4           (3) "Physician" means an individual licensed to  
5 practice medicine in this state.

6           Sec. 491.002. APPLICABILITY. This chapter applies only to  
7 the prescribing of a prescription drug the United States Food and  
8 Drug Administration has approved for human use.

9           Sec. 491.003. PROHIBITED STATE INTERFERENCE WITH PATIENT  
10 ACCESS TO OFF-LABEL USE OF PRESCRIPTION DRUG. An official,  
11 employee, or agent of this state may not prohibit or restrict a  
12 physician from prescribing for off-label use a prescription drug to  
13 treat a patient who is exposed to or diagnosed with COVID-19.

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

21           Sec. 491.005. PROHIBITED ACTION AGAINST PHYSICIAN'S  
22 LICENSE. Notwithstanding any other law, the Texas Medical Board  
23 may not revoke, fail to renew, suspend, or take any other adverse  
24 action against a physician's license under Subchapter B, Chapter  
25 164, Occupations Code, based solely on the physician's prescribing  
26 a prescription drug for off-label use to treat a patient who is  
27 exposed to or diagnosed with COVID-19, provided the physician's

1 treatment of the patient meets the medical standard of care.

2 SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2025.