

By: Alvarado, Cook

S.B. No. 1500

A BILL TO BE ENTITLED

AN ACT

relating to written protocols for certain nonprescription drugs under Medicaid and civil liability related to those protocols.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0465 to read as follows:

Sec. 32.0465. WRITTEN PROTOCOLS FOR CERTAIN NONPRESCRIPTION DRUGS; LIMITATION ON LIABILITY. (a) In this section:

(1) "Health care provider" means a physician or other person who is licensed, certified, or otherwise authorized by this state's laws to prescribe a prescription drug in the ordinary course of business or practice of a profession.

(2) "Medical director" means the medical director employed by the executive commissioner under Section 523.0054, Government Code.

(3) "Nonprescription drug," "pharmacist," "pharmacy technician," "pharmacy technician trainee," "provide," and "written protocol" have the meanings assigned by Section 551.003, Occupations Code.

(4) "Recipient" means a medical assistance recipient.

(b) The medical director may issue a standing written protocol for a nonprescription drug to support recipient access to preventive care and improve recipient health during pregnancy and

1 the preconception and postpartum periods. A written protocol the  
2 medical director issues under this subsection:

3 (1) must:

4 (A) include pharmacy instructions the medical  
5 director determines necessary;

6 (B) identify the recipient population eligible  
7 to obtain a nonprescription drug under the written protocol; and

8 (C) list each known contraindication; and

9 (2) expires on the first anniversary of the date the  
10 medical director issues the written protocol.

11 (c) The medical director is immune from civil liability for  
12 issuing a written protocol that complies with the requirements  
13 listed in Subsection (b).

14 (d) A health care provider is immune from civil liability  
15 for issuing a written protocol for a nonprescription drug for a  
16 recipient that includes a list of each known contraindication.

17 (e) A pharmacist, pharmacy technician, or pharmacy  
18 technician trainee is immune from civil liability for providing a  
19 nonprescription drug to a recipient in accordance with a written  
20 protocol described by Subsection (b) or (d).

21 SECTION 2. If before implementing any provision of this Act  
22 a state agency determines that a waiver or authorization from a  
23 federal agency is necessary for implementation of that provision,  
24 the agency affected by the provision shall request the waiver or  
25 authorization and may delay implementing that provision until the  
26 waiver or authorization is granted.

27 SECTION 3. The change in law made by this Act applies only

1 to a cause of action that accrues on or after the later of the  
2 effective date of this Act or the date any necessary waiver or  
3 authorization described by Section 2 of this Act is granted. A  
4 cause of action that accrues before the later of those dates is  
5 governed by the law applicable to the cause of action immediately  
6 before that date, and that law is continued in effect for that  
7 purpose.

8 SECTION 4. This Act takes effect September 1, 2025.