By: Hall S.B. No. 449

A BILL TO BE ENTITLED

AN ACT

relating to warning labels for opioid prescription drugs.

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

SECTION 1. Section 481.074(a), Health and Safety Code, is amended to read as follows:

(a) A pharmacist may not:

(1) dispense or deliver a controlled substance or cause a controlled substance to be dispensed or delivered under the pharmacist's direction or supervision except under a valid prescription and in the course of professional practice;

(2) dispense a controlled substance if the pharmacist knows or should have known that the prescription was issued without a valid patient-practitioner relationship;

(3) fill a prescription that is not prepared or issued as prescribed by this chapter;

(4) permit or allow a person who is not a licensed pharmacist or pharmacist intern to dispense, distribute, or in any other manner deliver a controlled substance even if under the supervision of a pharmacist, except that after the pharmacist or pharmacist intern has fulfilled his professional and legal responsibilities, a nonpharmacist may complete the actual cash or credit transaction and delivery; [~~or~~]

(5) permit the delivery of a controlled substance to any person not known to the pharmacist, the pharmacist intern, or

the person authorized by the pharmacist to deliver the controlled substance without first requiring identification of the person taking possession of the controlled substance, except as provided by Subsection (n); or

(6) dispense an opioid unless the bottle or container in which the opioid is dispensed is affixed with a label warning of the addictive nature of opioids and the risks of respiratory depression and overdose as required by board rule under Section 481.0761(l).

SECTION 2. Section 481.0761, Health and Safety Code, is amended by adding Subsection (l) to read as follows:

(l) The board shall adopt rules requiring that an opioid be dispensed in a bottle or container affixed with a label warning users of the addictive nature of opioids and the risks of respiratory depression and overdose. The label must include language substantially similar to the following:

"CAUTION: Opioid. Risk of Addiction, Respiratory Depression, and Overdose."

SECTION 3. The Texas State Board of Pharmacy shall adopt the rules required under Section 481.0761(l), Health and Safety Code, as added by this Act, not later than January 1, 2028.

SECTION 4. The change in law made by this Act applies only to a prescription for an opioid dispensed on or after March 1, 2028. A prescription dispensed before March 1, 2028, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect immediately if it receives

a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.