

BILL ANALYSIS

S.B. 1633
By: Perry
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that in certain parts of the state, especially in small communities, there are no local pharmacies because the demand for filling prescriptions in those areas is too low to support a pharmacy staffed by a pharmacist. S.B. 1633 seeks to address this issue by providing for remote dispensing sites for prescription drugs and devices.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTION 1 of this bill.

ANALYSIS

S.B. 1633 amends the Occupations Code to expand the locations at which a telepharmacy system may be located to include a remote dispensing site, defined by the bill as a location licensed as a telepharmacy that is authorized by a Class A provider pharmacy through a telepharmacy system to store and dispense prescription drugs and devices, including dangerous drugs and controlled substances. The bill includes among the rules the Texas State Board of Pharmacy must adopt regarding the use of a telepharmacy system rules regarding specified licensing and operating requirements for remote dispensing sites and rules regarding specified locations eligible to be licensed as remote dispensing sites. The bill specifies that the type of telepharmacy system that may not be located in a community in which a Class A or Class C pharmacy is located as determined by board rule is a telepharmacy system located at a health care facility in Texas that is regulated by the state or the United States. The bill prohibits a telepharmacy system located at a remote dispensing site from dispensing a controlled substance listed in Schedule II as established by the commissioner of state health services under the Texas Controlled Substances Act and from being located within 25 miles by road of a Class A pharmacy. The bill authorizes a remote dispensing site that is currently operating when a Class A pharmacy is established within 25 miles by road of the remote dispensing site to continue to operate at that location. The bill requires the board by rule to require and develop a process for a remote dispensing site to apply for classification as a Class A pharmacy if the average number of prescriptions dispensed each day the remote dispensing site is open for business is more than 125, as calculated each calendar year. The bill requires the board to adopt rules under the bill's provisions not later than January 1, 2018.

EFFECTIVE DATE

September 1, 2017.