

BILL ANALYSIS

C.S.H.B. 2088
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The use and abuse of opioids have risen dramatically in Texas and across the nation in recent years. It has been suggested that, to combat this opioid epidemic, more should be done to raise awareness of so-called take-back locations where Schedule II controlled substance prescription drugs are accepted for safe disposal. C.S.H.B. 2088 seeks to make information about these locations more readily available.

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

C.S.H.B. 2088 amends the Health and Safety Code to require a person dispensing a Schedule II controlled substance under a prescription dispensed on or after January 1, 2020, to provide written notice on the safe disposal of controlled substance prescription drugs, unless:

- the drug is dispensed at a pharmacy or other location that is authorized to take back those drugs for safe disposal and regularly accepts those drugs for safe disposal; or
- the dispenser provides to the person to whom the drug is dispensed, at the time of dispensation and at no cost to the person, a mail-in pouch for surrendering unused controlled substance prescription drugs or chemicals to render any unused drugs unusable or non-retrievable.

C.S.H.B. 2088 requires the Texas State Board of Pharmacy (TSBP) to adopt rules for the form of the written notice and requires the notice to include information on locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal. The bill authorizes the notice, in lieu of listing such locations, to provide the address of a website specified by the TSBP that provides a searchable database of the locations. The bill authorizes the TSBP to take disciplinary action against a person who fails to comply with the notice requirement.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2088 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute limits the applicability of the notice requirement to a person dispensing a Schedule II controlled substance and includes exceptions to the requirement. The substitute revises provisions relating to the contents of the notice.

The substitute includes an authorization for the TSBP to take disciplinary action against a person who fails to comply with the notice requirement.

The substitute does not include a requirement for the TSBP to maintain a list of locations at which controlled substance prescription drugs are accepted for safe disposal and to make that list available on its website.

The substitute does not include a requirement for the TSBP to adopt rules for the manner of the notice. The substitute does not include a deadline for the TSBP to adopt rules to prescribe the form of the notice.