

**SUBJECT:** Revisions to the Texas Pharmacy Act

**COMMITTEE:** Public Health — favorable, without amendment

**VOTE:** 5 ayes — Berlanga, Davila, Glaze, Janek, Maxey  
0 nays  
3 absent — Hirschi, Coleman, Delisi

**SENATE VOTE:** On final passage, April 9 — 31-0

**WITNESSES:** For — Chuck Courtney, Texas Retailers Association and Texas Association of Drug Stores; Karen Kenney Reagan, Texas Pharmacy Association  
Against — None  
On — Gay Dodson, Texas State Board of Pharmacy

**DIGEST:** SB 609 would amend various portions of the Texas Pharmacy Act to correct technical errors, conform it to other parts of state and federal law, and revise certain definitions and procedures.

Substantive changes would include the following:

- Revising the definition of pharmacy to include facilities at which prescription drug or medication orders are received, processed, or dispensed. The bill would provide a civil penalty of up to \$1,000 per day for persons unlawfully operating pharmacies and expand the grounds for disciplining pharmacy licensees that engaged in fraud or deceit in operating or seeking a license to operate a pharmacy. The attorney general would institute action needed to collect such penalties.
- Allowing the Pharmacy Board to impose a fee on pharmacists on probation for disciplinary reasons in order to defray the costs of monitoring a licensee during the period of probation.

- Authorizing the Pharmacy Board to issue standards for pharmacy training programs and maintain a list of training programs meeting the established standards.

The bill would take effect September 1, 1997.

**SUPPORTERS  
SAY:**

SB 609 would clean up and modernize the Texas Pharmacy Act in order to allow for more efficient and accurate execution of its provisions and rules.

Clarifying the definition of a pharmacy would facilitate the prosecution of businesses that are acting as pharmacies but that do not fall under the specific provisions of the Texas Pharmacy Act. When such businesses commit crimes, it has been difficult to prosecute; SB 609 would help remedy this problem. Providing civil penalties for violations of the Act would further prevent its abuse and decrease the incidence of fraud and other misdeeds by pharmacists and pseudo-pharmacists alike.

When a pharmacist is on probation due to drug or alcohol abuse or other violations, the board supervises the individual throughout the probation. The additional charges to probationers would enable the board to conduct more thorough and comprehensive supervision of these individuals and facilitate their successful completion of probation and return to their profession.

Allowing the board to issue standards and keep records of those programs meeting the standards would provide needed uniformity and accountability to pharmacy technician training. The bill would allow students to make more informed decisions among programs and give citizens a measure of confidence in the training pharmacy technicians receive.

**OPPONENTS  
SAY:**

SB 609 would unfairly burden pharmacists under a probationary period of board supervision. These individuals have already been punished for any violations they have committed, and are working toward remedying their problems. Probationary periods are almost always accompanied by

expensive requirements for probationers, including limiting their areas of practice and requiring continuing professional education. The bill would increase the financial burden on probationers at the time when they are least able to bear it.