

SUBJECT: Requiring written notice of safe disposal of certain controlled substances

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — S. Thompson, Wray, Frank, Lucio, Ortega, Price, Sheffield,  
Zedler

0 nays

3 absent — Allison, Coleman, Guerra

WITNESSES: For — (*Registered, but did not testify*: Jaime Capelo, Alliance of Independent Pharmacists; Cynthia Humphrey, Association of Substance Abuse Programs; T.J. Mayes, Bexar County Opioid Task Force; Dya Campos, H-E-B; Janis Carter, National Association of Chain Drug Stores; Marshall Kenderdine, Texas Academy of Family Physicians; Duane Galligher, Texas Independent Pharmacies Association; Dan Finch, Texas Medical Association; Bobby Hillert, Texas Orthopaedic Association; Stephanie Chiarello, Texas Pharmacy Association; Mackenna Wehmeyer, Texas Pharmacy Business Council; John Heal, Texas TrueCare Pharmacies; Holly Deshields, Walgreens; Mark Vane, Walmart; Susan Ostrand)

Against — (*Registered, but did not testify*: Ashley Bishop, AIP Texas; Dya Campos, H-E-B; Bradford Shields, Texas Federation of Drug Stores, Texas Society of Health-System Pharmacists; Mackenna Wehmeyer, Texas Pharmacy Business Council; Bruce McAnally)

On — (*Registered, but did not testify*: Allison Benz, Texas State Board of Pharmacy)

BACKGROUND: Health and Safety Code sec. 481.075 requires a practitioner who prescribes a Schedule II controlled substance to record the prescription on an official prescription form or in an electronic prescription that includes certain information.

Some observers suggest addressing the growing rate of prescription drug abuse in Texas by increasing awareness of safe disposal locations for unused drugs. Many access these drugs through medicine cabinets that contain leftover medication, and observers suggest providing safe disposal information when a controlled substance is dispensed would help reduce access to leftover prescriptions, curbing the potential of addiction.

**DIGEST:** CSHB 2088 would require a person dispensing a Schedule II controlled substance prescription to provide written notice on the safe disposal of those drugs, with certain exceptions.

The notice would have to include information on locations at which Schedule II drugs were accepted for safe disposal or the address of a website specified by the Texas State Board of Pharmacy (TSBP) that provided a searchable database of locations.

Under the bill, a written notice would not be required if:

- the Schedule II drug was dispensed at a pharmacy or other location that was authorized to take back those drugs and regularly accepted those drugs for safe disposal; or
- the dispenser provided a mail-in pouch for surrendering unused drugs or chemicals to render any unused drugs unusable or non-retrievable.

TSBP would adopt rules governing the form of the written notice. The board could take disciplinary action against a person who failed to comply with the written notice requirements.

The bill would apply to a controlled substance prescription drug dispensed on or after January 1, 2020.

The bill would take effect September 1, 2019.