

BILL ANALYSIS

Senate Research Center
80R8620 ABC-F

S.B. 1896
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 431, Health and Safety Code, establishes the Texas Drug Donation Program so that unused pharmaceutical drugs may be recycled and redistributed to charitable medical clinics. Currently, the program does not specify whether clinics, offices, and hospitals that are not licensed as wholesale distributors of pharmacy drugs are authorized to donate unused medication to charitable clinics. In addition, it is unclear whether charitable donors may donate additional medications to non-affiliated charitable medical clinics.

As proposed, S.B. 1896 authorizes a pharmacist who practices in or serves as a consultant for a penal institution in this state to return to a pharmacy certain unused drugs. The bill clarifies the term "charitable medical clinic" to include a patient assistance program or charitable pharmacy. In addition, the bill provides that a drug donor is not required to be licensed as a wholesale distributor of pharmacy drugs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 562.1085(a), (b), and (e), Occupations Code, as follows:

(a) Authorizes a pharmacist who practices in or serves as a consultant for a penal institution, as defined by Section 1.07, Penal Code, in this state to return to a pharmacy certain unused drugs, other than a controlled substance as defined by Chapter 481 (Texas Controlled Substance Act), Health and Safety Code, purchased from the pharmacy as provided by the Texas State Board of Pharmacy rule.

(b) Makes a conforming change.

(e) Makes a conforming change.

SECTION 2. Amends Section 431.321(a), Health and Safety Code, to redefine "charitable medical clinic."

SECTION 3. Amends Section 431.322, Health and Safety Code, by adding Subsection (e), to provide that a charitable drug donor who acts within the scope of this section is not required to hold a license under Subchapter N (Wholesale Distributors of Prescription Drugs).

SECTION 4. Effective date: upon passage or September 1, 2007.