

## **BILL ANALYSIS**

Senate Research Center  
86R27322 JSC-D

H.B. 2088  
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Health & Human Services  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The use and abuse of opioids has 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.

H. B. 2088 seeks to make information about these locations more readily available by requiring a person dispensing a Schedule II controlled substance to provide written notice on the safe disposal of controlled substance prescription drugs unless they already have a mechanism in place for disposing of these drugs.

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. Furthermore, the bill authorizes the notice, in lieu of listing such locations, to provide the address of a website specified by TSBP that provides a searchable database of the locations. The bill also authorizes TSBP to take disciplinary action against a person who fails to comply with the notice requirement.

H.B. 2088 amends current law relating to providing information and other resources regarding safe disposal of Schedule II controlled substance prescription drugs.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTION 1 (Section 481.075, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 481.075, Health and Safety Code, by adding Subsections (n), (o), and (p), as follows:

(n) Requires a person dispensing a Schedule II controlled substance under a prescription to provide written notice, as defined by Texas State Board of Pharmacy (TSBP) rule adopted under Subsection (o), on the safe disposal of controlled substance prescription drugs, unless:

(1) the Schedule II controlled substance prescription 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

(2) the dispenser provides to the person to whom the Schedule II controlled substance prescription 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.

(o) Requires TSBP to adopt rules to prescribe the form of the written notice on the safe disposal of controlled substance prescription drugs required under Subsection (n). Requires the notice to include information on locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal. Authorizes the notice, in lieu of listing those locations, to provide the address of an Internet website specified by TSBP that provides a searchable database of locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal.

(p) Authorizes TSBP to take disciplinary action against a person who fails to comply with Subsection (n).

SECTION 2. Makes application of Section 481.075(n), Health and Safety Code, as added by this Act, prospective to January 1, 2020.

SECTION 3. Effective date: September 1, 2019.