



86th Texas Legislature
Pharmacy-Related Highlights
Compiled and Summarized by the Texas State Board of Pharmacy

All bills are effective September 1, 2019 unless otherwise noted.

House Bill 1 – General Appropriations Act

- House Bill 1 includes the Texas State Board of Pharmacy operating budget for FY2020 through FY2021.

House Bill 1518 – Relating to the regulation of the sale of dextromethorphan to minors.

- House Bill 1518 prohibits a business from dispensing, distributing, or selling dextromethorphan to a customer under 18 years of age. Purchase of dextromethorphan will now require photo ID.
- This bill **does not** apply to the sale of any product dispensed or delivered by a pharmacist according to a valid prescription issued by a practitioner.

House Bill 1849 – Relating to the possession and administration of epinephrine auto-injectors in day-care centers.

- House Bill 1849 authorizes a practitioner to prescribe epinephrine auto-injectors in the name of a daycare center. It also authorizes the auto-injectors to be dispensed by a pharmacist **without** requiring any identifying information relating to the user.
- *Effective immediately.*

House Bill 1899 – Relating to the revocation or denial of certain health care professional licenses and the reporting of the grounds for revocation or denial.

- House Bill 1899 requires that the Texas State Board of Pharmacy shall immediately revoke a license on notification or deny an application for a pharmacist's license for an applicant who:
 - is required to register as a sex offender;
 - has been previously convicted of or placed on deferred adjudication community supervision for the commission of a felony offense involving the use or threat of force;
 - or
 - has been previously convicted of or placed on deferred adjudication community supervision for sexual assault, aggravated assault, aggravated sexual assault, or injury to a child, elderly individual, or disabled individual, or another similar state or federal law, committed when the applicant held a license in this state or another state, in the course of providing services to a patient.

House Bill 2059 – Relating to required human trafficking prevention training for health care practitioners and certain employees of health care facilities.

- House Bill 2059 requires that a health care practitioner, including a pharmacist, shall complete a training course approved by the Health and Human Services Commission on identifying and assisting victims of human trafficking as a condition for license renewal.
- This training course becomes a requirement beginning September 1, 2020.

House Bill 2088 – Relating to providing information regarding safe disposal of controlled substance prescription drugs.

- House Bill 2088 requires that a pharmacist who dispenses a Schedule II drug shall provide written notice on the safe disposal of controlled substance prescriptions to patients unless the pharmacy is a take-back location or provides a no-cost method of destruction to the patient with the prescription beginning January 1, 2020.
- The board shall adopt rules to prescribe the form of the written notice on the safe disposal of controlled substance prescription drugs.
 - The notice must include information on locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal.
 - The notice, in lieu of listing those locations, may provide the address of an internet website specified by the Board that provides a searchable database of locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal.
 - The board may take disciplinary action against a person who fails to comply with the notice provision.

House Bill 2174 – Relating to controlled substance prescriptions under the Texas Controlled Substances Act.

- House Bill 2174 requires that **mandatory** electronic controlled substance (Schedules II through V) prescribing begins January 1, 2021. Emergency exceptions must meet requirements as outlined by Board rule. The bill also outlines terms under which a waiver can be issued.
- Waivers from electronic prescribing can be issued by the applicable licensing agency for a period of one year if certain conditions are met.
- The bill adds a continuing education requirement which requires pharmacists to complete **two hours** of professional education related to approved procedures of prescribing and monitoring controlled substances.
 - This continuing education must be obtained no later than September 1, 2021.
- The bill also introduces a **ten-day opioid prescription limit for acute pain**. No refills will be allowed.

House Bill 2243 – Relating to the use of prescription asthma medicine on public and private school campuses.

- House Bill 2243 amends Section 38.211(f) of the Texas Education Code to allow a pharmacist to dispense asthma medicine to a school without requiring the name or any other identifying information relating to the user.
- *Effective immediately.*

House Bill 2425 – Relating to the authority of physicians to delegate to certain pharmacists the implementation and modification of a patient's drug therapy.

- House Bill 2425 allows a physician to delegate to a pharmacist practicing in a federally qualified health center (FQHC) the implementation or modification of a patient's drug therapy under protocol, including the authority to sign a prescription drug order for dangerous drugs.

House Bill 2847 – Relating to the licensing and regulation of certain occupations and activities.

- House Bill 2847 allows for "zero reporting," as follows:
 - It amends Section 481.075(i) of the Texas Controlled Substances Act to specify that if a pharmacy does not dispense any controlled substance prescriptions during a period of

- seven consecutive days, it must send a report to the Board indicating that the pharmacy **did not** dispense any controlled substance prescriptions during that period.
 - The only exception to zero reporting is if the pharmacy has obtained a waiver or permission to delay reporting to the Board.
- The bill amends Section 481.076(a)(5)(A) of the Texas Controlled Substances Act to allow a pharmacist-intern or a pharmacy technician trainee, acting at the direction of a pharmacist, who is inquiring about a recent Schedule II, III, IV or V prescription history of a particular patient of the pharmacist, to access the PMP database when appropriate.
- The bill similarly amends Section 481.076(a)(6) to allow a practitioner to access the PMP database to inquire about the prescribing activity of an individual to whom the practitioner has delegated prescribing authority, i.e., a nurse practitioner, physician assistant, etc.

House Bill 3284 – Relating to prescribing and dispensing controlled substances under the Texas Controlled Substances Act.

- House Bill 3284 moves the Department of Public Safety Prescription Monitoring Program (PMP) Portal to the Texas State Board of Pharmacy.
 - Law enforcement must now provide to the Board a warrant, subpoena, or other court order compelling the disclosure of PMP data.
- The bill allows a health care facility certified by the federal Centers for Medicare and Medicaid Services to utilize the PMP.
- The bill allows a patient, a minor patient’s parent, or a patient’s legal guardian to request that patient’s PMP record and a record of the practitioners and pharmacists that have accessed the record.
- The bill requires the Board to adopt an administrative penalty for unauthorized disclosure or use of PMP information.
- The bill creates criminal offenses related to unauthorized disclosure of PMP information, misrepresentation in requesting a patient’s PMP record, and procurement of controlled substances through the use of fraudulent prescription forms.
- The bill changes the mandatory PMP look-up start date from September 1, 2019 to March 1, 2020.

House Bill 3285 – Relating to programs and initiatives to prevent opioid addiction, misuse, and abuse in this state.

- House Bill 3285 requires prescribers or dispensers of opioids to annually attend at least one hour of continuing education covering best practices, alternative treatment options, and multi-modal approaches to pain management which may include physical therapy, psychotherapy, and other treatments. The continuing education requirement expires August 31, 2023.

House Bill 3496 – Relating to financial investor disclosure and surety bond requirements for certain pharmacies.

- House Bill 3496 requires that in order to qualify for a pharmacy license, excluding pharmacy classes B and C, an applicant must fill out a sworn disclosure statement, with the exception of publicly traded companies or pharmacies wholly owned by a retail grocery store chain. The application must also include notice that a surety bond may be required.
- The bill amends Section 565.002(a) of the Texas Pharmacy Act to specify that the Board may discipline an applicant or the holder of a pharmacy license if the Board finds that the applicant

or the license holder engaged in fraud, deceit, or misrepresentation as defined by Board rule in dispensing drugs for nontherapeutic purposes.

- The bill adds a new Section 565.0591 to the Texas Pharmacy Act. The Texas State Board of Pharmacy shall notify a pharmacy that has ceased to operate for a period of 30 days or more that the license will be revoked for a violation of Section 565.002(a)(7) of the Texas Pharmacy Act and inform the license holder of the right to a hearing to contest the revocation.
- *Effective January 1, 2020.*

House Bill 4260 – Relating to the possession and administration of an epinephrine auto-injector by certain entities.

- House Bill 4260 allows a pharmacist to dispense an epinephrine auto-injector to the following entities without requiring the name or any other identifying information relating to the user:
 - an amusement park, a childcare-facility, a day camp, a youth camp, a university or college, a restaurant, a sports venue, a youth center, or other entity designated by the Health and Human Services Commission Executive Commissioner.

Senate Bill 37 – Relating to the abolition of student loan default or breach of a student loan repayment or scholarship contract as a ground for nonrenewal of professional license.

- Senate Bill 37 **repeals** Section 57.491 of the Education Code. This eliminates state agencies' authority to deny, revoke, suspend, or fail to renew a professional license due to the licensee or applicant being in default on a student loan.
- Any pending disciplinary actions falling under these provisions are to be terminated.
- *Effective immediately.*

Senate Bill 500 – Supplemental Budget

- Senate Bill 500 appropriates funds to the Board of Pharmacy for Statewide Integration of the Prescription Monitoring Program with NarxCare and Clinical Alerts
 - The Board must obligate all funds within 24 months.
- *Effective immediately.*

Senate Bill 670 – Relating to Medicaid telemedicine and telehealth services.

- Senate Bill 670 allows a telepharmacy to be located at a federally qualified health center (FQHC) in a community in which a Class A or Class C pharmacy is located.

Senate Bill 683 – Relating to the licensing and regulation of pharmacists and pharmacies.

- **NOTE:** *Many of the provisions of Senate Bill 683 are similar to those in House Bill 2847.*
- Senate Bill 683 allows for “zero reporting.”
- The bill amends Section 481.076(a)(5)(A) of the Texas Controlled Substances Act to allow a pharmacist-intern or a pharmacy technician trainee, acting at the direction of a pharmacist, who is inquiring about a recent Schedule II, III, IV or V prescription history of a particular patient of the pharmacist, to access the PMP database when appropriate.
- The bill adds a new Section 565.0591 to the Texas Pharmacy Act. The new provision specifies that on discovery by the Board that a pharmacy licensed under Chapter 560 has ceased to operate for a period of 30 days or longer, the Board shall notify the pharmacy that the license will be revoked.

Senate Bill 752 – Relating to liability of volunteer health care providers and health care institutions for care, assistance, or advice provided in relation to a disaster.

- Senate Bill 752 requires that, except in the case of reckless conduct or intentional misconduct, a volunteer health care provider is immune from civil liability for an act or omission that occurs in giving care, assistance, or advice **if**:
 - the care, assistance, or advice is provided in relation to an incident that is a man-made or natural disaster that endangers or threatens to endanger individuals, property, or the environment; and
 - is within the scope of the provider's practice under the laws of this state.

Senate Bill 1056 – Relating to the authority of physicians to delegate to certain pharmacists the implementation and modification of a patient's drug therapy.

- Senate Bill 1056 clarifies that a physician may delegate the implementation or modification of a patient's drug therapy to a pharmacist under a protocol if the delegation follows a diagnosis, initial patient assessment, and drug therapy order by the physician; and the pharmacist maintains a copy of the protocol for inspection until at least the seventh anniversary of the expiration date of the protocol.

Senate Bill 1200 – Relating to the authority of certain military spouses to engage in a business or occupation in this state.

- Senate Bill 1200 adds a new Section 55.0041 to the Texas Occupations Code to authorize a military spouse to engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in Texas.
- The bill requires the military spouse to complete certain requirements before engaging in the practice of the business or occupation.

Senate Bill 1217 – Relating to the consideration of certain arrests in determining an applicant's eligibility for an occupational license.

- Senate Bill 1217 prohibits licensing boards from considering an arrest that did not result in the person's conviction or placement on deferred adjudication community supervision in determining an applicant's eligibility for an occupational license.
- *Effective immediately.*

Senate Bill 1564 – Relating to access to medication-assisted treatment for opioid use disorder under Medicaid.

- Senate Bill 1564 adds a provision that a prescriber or dispenser is not subject to the requirements of Section 481.0764(a) of the Texas Controlled Substances Act regarding PMP look-up requirements before prescribing or dispensing opioids, benzodiazepines, barbiturates or carisoprodol if a patient is noted to be diagnosed with sickle cell disease.
- *Effective immediately.*

Senate Bill 1827 – Relating to the emergency administration of an epinephrine auto-injector by law enforcement agencies and peace officers.

- Senate Bill 1827 requires that a pharmacist may dispense an epinephrine auto-injector to a law enforcement agency without requiring the name of or any other identifying information relating to the user.

NOTE: The above of summaries of the items in this document are not intended to be a complete and/or detailed enumeration of all pharmacy-related legislation passed by the 86th Texas Legislature. The summaries are intended as general information only, and may not necessarily include all provisions of the legislation summarized. Not all pharmacy-related bills are included. For more information about legislation passed by the 86th Texas Legislature, please visit the [Texas Legislature Online](#).