

BILL ANALYSIS

Senate Research Center
77R10248 MXM-D

H.B. 99
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

The United States Congress and state legislatures have enacted safeguards to protect citizens from harm resulting from the use of unsafe drugs, counterfeit drugs, and the improper practice of pharmacy. These safeguards, however, have not been extended in Texas to protect citizens from the improper sale of drugs by online practitioners and pharmacies. H.B. 99 extends these safeguards by requiring the Texas State Board of Pharmacy (board) to adopt rules regarding the sale and delivery of prescription drugs by use of electronic media including the Internet, and authorizing complaints to be made to the board through the Internet.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTION 1 (Section 554.055, Occupations Code) and SECTION 4 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 554B, Occupations Code, by adding Section 554.055, as follows:

Sec. 554.055. RULEMAKING; ELECTRONIC MEDIA. Requires the Texas State Board of Pharmacy (board) to adopt rules regarding the sale and delivery of drugs by use of electronic media, including the Internet.

SECTION 2. Amends Section 555.002, Occupations Code, by adding Subsection (d) to authorize a complaint directed to the board under this section to be made through the Internet.

SECTION 3. Amends Chapter 562C, Occupations Code, by adding Section 562.1045, as follows:

Sec. 562.1045. LINKING INTERNET SITES. (a) Provides that this section applies only to a pharmacy that maintains a generally accessible Internet site and sells or distributes drugs through the Internet.

(b) Requires a pharmacy subject to this section to link its site to the Internet site maintained by the board. Requires the link to be on the pharmacy's initial home page and if the pharmacy sells drugs through its site, on the page where the sale occurs.

SECTION 4. Requires that not later than February 28, 2002, the Texas State Board of Pharmacy adopt the rules required by:

- (1) Section 554.055, Occupations Code, as added by this Act; and
- (2) Section 555.002(d), Occupations Code, as added by this Act.

SECTION 5. (a) Effective date: September 1, 2001, except as provided by Subsection (b) of this section.

(b) Provides that Section 562.1045, Occupations Code, as added by this Act, takes effect

November 1, 2001.