

CHAPTER 736

H.B. No. 1744

An Act relating to the shipment of certain unused drugs to foreign countries.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. SHIPMENT OF UNUSED DRUGS TO FOREIGN COUNTRIES. (a) A consulting pharmacist of a nursing home who would otherwise be required to destroy certain drugs because of the death of a resident of the nursing home or because use of the drugs has been discontinued on the order of a physician may, on a quarterly basis, preceding destruction of the drugs, based on his professional judgment select from the drugs to be destroyed certain drugs to

be used under the provision of this Act and seal them in a box for shipment to a foreign country as provided by this Act.

(b) The consulting pharmacist of the nursing home shall account to the Texas Department of Health for all drugs destined for shipment under this Act.

(c) If the unused drug is a controlled substance as defined by the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), this Act does not apply.

SECTION 2. ADMINISTRATION BY DEPARTMENT OF HEALTH. The Texas Department of Health shall adopt rules consistent with federal and state law to implement this Act, including rules relating to:

- (1) the packaging and inventory of drugs for shipment;
- (2) the manner of shipment of the drugs from original shipment under this Act until the final destination;
- (3) safeguards to ensure the proper handling of and accounting for all drugs shipped;
- (4) the determination of appropriate foreign countries to receive the drugs shall be made in consultation with the State Department and other appropriate federal agencies; and
- (5) the salvaging of drugs as contained in this legislation is not subject to provisions of the Texas Food, Drug and Cosmetic Act (Subsection (l), Section 3, Article 4476-5, Vernon's Texas Civil Statutes).

SECTION 3. CONTRACTS; FUNDS. (a) The Texas Department of Health may contract with other entities, including local governments and civic organizations, to implement this Act.

(b) The department may accept gifts, grants, donations, and any other funds to implement this Act.

SECTION 4. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 21, 1985, by a non-record vote ; passed by the Senate on May 27, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 14, 1985

Effective: August 26, 1985