

**CHAPTER 16**

**S.B. No. 310**

**AN ACT**

relating to the possession of dangerous drugs by certain persons.

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

SECTION 1. Subchapter A, Chapter 142, Health and Safety Code, is amended by adding Section 142.0061 to read as follows:

*Sec. 142.0061. POSSESSION OF DANGEROUS DRUGS. A home health agency or its employees who are registered nurses or licensed vocational nurses may purchase, store, or transport for the purpose of administering to their home health patients under physician's orders the following dangerous drugs: sterile water for injection and irrigation, sterile saline for injection and irrigation, and heparin flush kits for intravenous flushes.*

SECTION 2. Subsection (c), Section 483.041, Health and Safety Code, is amended to read as follows:

(c) Subsection (a) does not apply to the possession of a dangerous drug in the usual course of business or practice or in the performance of official duties by the following persons or an agent or employee of the person:

(1) a pharmacy *licensed*, ~~drug store, dispensary, apothecary shop, or prescription laboratory registered~~ by the board;

(2) a practitioner;

(3) a person who obtains a dangerous drug for lawful research, teaching, or testing, but not for resale;

(4) a hospital that obtains a dangerous drug for lawful administration by a practitioner;

(5) an officer or employee of the federal, state, or local government;

(6) a manufacturer or wholesaler *licensed by* ~~registered with~~ the commissioner of health under Chapter 431 (Texas Food, Drug, and Cosmetic Act); ~~or~~

(7) a carrier or warehouseman; *or*

(8) *a home health agency licensed under Chapter 142, which may possess sterile water for injection and irrigation, sterile saline for injection and irrigation, and heparin flush kits for intravenous flushes, as authorized by Section 142.0061.*

SECTION 3. Subsection (f), Section 19, Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) This Act does not apply to:

(1) a member of the faculty of a college of pharmacy that is recognized by the board if the faculty member is a licensed pharmacist and performs his services for the benefit of the college only;

(2) a pharmacist-intern; ~~or~~

(3) a person who procures prescription drugs for lawful research, teaching, or testing and not for resale; *or*

(4) *a home health agency possessing dangerous drugs as authorized by Section 142.0061, Health and Safety Code.*

SECTION 4. 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 the Senate on February 25, 1993: Yeas 31, Nays 0; passed the House on March 24, 1993: Yeas 138, Nays 0, one present not voting.

Approved April 2, 1993.

Effective April 2, 1993.