

All Prefiled Amendments for: HB 2561

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**The following 11 amendments were
published on 4/30/17 2:15 PM**



17 APR 28 PM 4:15
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Cindy Bunker

1 Amend C.S.H.B. No. 2561 (house committee report) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Section 551.003, Occupations Code, is amended
5 by adding Subdivision (15-a) to read as follows:

6 (15-a) "Direct supervision" means supervision by a
7 pharmacist who directs the activities of a pharmacist-intern,
8 pharmacy technician, or pharmacy technician trainee to a sufficient
9 degree to ensure the activities are performed accurately, safely,
10 and without risk of harm to patients, as specified by board rule.

11 SECTION _____. Section 554.053(a), Occupations Code, is
12 amended to read as follows:

13 (a) The board shall establish rules for the use and the
14 duties of a pharmacy technician and pharmacy technician trainee
15 employed by [~~in~~] a pharmacy licensed by the board. A pharmacy
16 technician and pharmacy technician trainee shall be responsible to
17 and must be directly supervised by a pharmacist.



17 APR 30 PM 1:40

HOUSE OF REPRESENTATIVES

Matt Krause

FLOOR AMENDMENT NO. _____

BY:

1 Amend C.S.H.B. No. 2561 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Chapter 551, Occupations Code, is amended by
5 adding Section 551.008 to read as follows:

6 Sec. 551.008. CERTAIN RULES OR POLICIES PROHIBITED. (a)
7 The board may not adopt any rule, regulation, or policy or impose a
8 penalty that:

9 (1) limits the ability of an applicant for a license or
10 for registration under this subtitle to be licensed or registered
11 based on a sincerely held religious belief of the applicant; or

12 (2) burdens a license holder's or registrant's:
13 (A) free exercise of religion, regardless of
14 whether the burden is the result of a rule generally applicable to
15 all license holders or registrants, as applicable;

16 (B) freedom of speech regarding a sincerely held
17 religious belief; or

18 (C) membership in any religious organization.

19 (b) Subsection (a) does not apply to a rule, regulation, or
20 policy adopted or a penalty imposed by the board that results in a
21 limitation or burden described by Subsection (a) if the rule,
22 regulation, policy, or penalty is:

23 (1) essential to enforcing a compelling governmental
24 purpose; and

25 (2) narrowly tailored to accomplish that purpose.

26 (c) A person may assert that a board rule, regulation, or
27 policy, or a penalty imposed by the board, violates this section as
28 a defense in an administrative hearing or as a claim or defense in a
29 judicial proceeding under Chapter 37, Civil Practice and Remedies

1 Code.

2 (d) A person may bring an action for injunctive relief
3 against a violation of this section.



17 APR 30 PM 1:41

HOUSE OF REPRESENTATIVES

Matt Krause

FLOOR AMENDMENT NO. _____

BY:

1 Amend C.S.H.B. No. 2561 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Chapter 551, Occupations Code, is amended by
5 adding Section 551.006 to read as follows:

6 Sec. 551.006. PROTECTION OF RELIGIOUS BELIEFS AND MORAL
7 CONVICTIONS. (a) The board may not reduce, withhold, exclude,
8 terminate, or otherwise deny any license, registration, or
9 accreditation for, any grant to, or any contract or agreement with a
10 pharmacy, pharmacist, or pharmacy technician for not dispensing or
11 selling a specific drug or product in accordance with the person's
12 sincerely held religious belief or moral conviction.

13 (b) The attorney general may bring an action for injunctive
14 or declaratory relief against the board to enforce compliance with
15 this section.



17 APR 30 PM 1:42
HOUSE OF REPRESENTATIVES

M. S. J.

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 2561 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter B, Chapter 554, Occupations Code,
5 is amended by adding Section 554.058 to read as follows:

6 Sec. 554.058. RULEMAKING: PRESCRIPTION DRUG ORDER REQUIRED
7 FOR CERTAIN DRUGS. (a) In this section, "emergency contraception"
8 means a drug that:

9 (1) is used postcoitally;

10 (2) prevents pregnancy by preventing fertilization of
11 an egg or preventing implantation of an egg in a uterus; and

12 (3) is approved by the United States Food and Drug
13 Administration.

14 (b) If allowed by federal law, the board shall, as soon as
15 practicable, adopt rules prohibiting a pharmacy, pharmacist, or
16 pharmacy technician from dispensing or selling emergency
17 contraception and drugs and devices that are potentially
18 abortion-inducing without a prescription drug order.



17 APR 30 PM 1:41

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: M. S. J.

Amend C.S.H.B. No. 2561 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____ Chapter 558.051(a), Occupations Code, is amended to read as follows:

Sec. 558.051. QUALIFICATIONS FOR LICENSE BY EXAMINATION.

(a) To qualify for a license to practice pharmacy, an applicant for licensing by examination must submit to the board:

(1) a license fee set by the board; and

(2) a completed application on a form prescribed by the

board with satisfactory sworn evidence that the applicant:

(A) is at least 18 years of age;

(B) is of good moral character;

(C) has completed a minimum of a 1,000 - hour internship or other program that has been approved by the board or has demonstrated, to the board's satisfaction, experience in the practice of pharmacy that meets or exceeds the board's minimum internship requirements;

(D) has graduated and received a professional practice degree, as defined by board rule, from an accredited pharmacy degree program approved by the board;

(E) has passed the examination required by the board; and

(F) has not had a pharmacist license granted by another state restricted, suspended, revoked, or surrendered, for any reason, unless such license was restricted, suspended, revoked, or surrendered because the applicant refused or will refuse to provide

patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the applicant.

(b) Each applicant must obtain practical experience in the practice of pharmacy concurrent with college attendance or after college graduation, or both, under conditions the board determines.

(c) For purposes of this Section, no sincerely-held religious belief or conduct shall be considered to be a deficiency in the applicant's moral character.

SECTION _____. Chapter 558.058, Occupations Code, is amended to read as follows:

Sec. 558.058. ACCESSIBILITY OF EXAMINATION. The board by rule shall ensure that:

(a) an examination under this subchapter is administered to applicants with disabilities in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.); and

(b) religious accommodations are provided to applicants with sincerely-held religious beliefs that limit the days on which an examination may be taken.

SECTION _____. Chapter 558.101, Occupations Code, is amended to read as follows:

Sec. 558.101. QUALIFICATIONS FOR LICENSE BY RECIPROCITY. (a) To qualify for a license to practice pharmacy, an applicant for licensing by reciprocity must:

(1) submit to the board:

(A) a reciprocity fee set by the board; and

(B) a completed application in the form prescribed by

the board, given under oath;

(2) be of good moral character;

(3) have graduated and received a professional practice degree, as defined by board rule, from an accredited pharmacy degree program approved by the board;

(4) have presented to the board:

(A) proof of current or initial licensing by examination; and

(B) proof that the current license and any other license granted to the applicant by another state has not been restricted, suspended, revoked, or surrendered for any reason ~~and~~, unless such license was restricted, suspended, revoked, or surrendered because the applicant refused or will refuse to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the applicant;

(5) pass the Texas Pharmacy Jurisprudence examination.

(b) An applicant is not eligible for licensing by reciprocity unless the state in which the applicant is currently or was initially licensed as a pharmacist grants reciprocal licensing to pharmacists licensed by examination in this state, under like circumstances and conditions.

(c) For purposes of this Section, no sincerely-held religious belief or conduct shall be considered to be a deficiency in the applicant's moral character.

SECTION ____ . Chapter 559.003(e), Occupations Code, is amended to read as follows:

Sec. 559.003. REQUIREMENTS FOR RENEWAL.

(e) A person may not renew a license to practice pharmacy if the person holds a license to practice pharmacy in another state that has been suspended, revoked, canceled, or subject to an action that prohibits the person from practicing pharmacy in that state, unless such license was restricted, suspended, revoked, or surrendered because the applicant refused or will refuse to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the applicant.

SECTION _____. Chapter 559.005(a), Occupations Code, is amended to read as follows:

Sec. 559.005. ISSUANCE OF NEW LICENSE.

(a) The board may issue a new license to practice pharmacy to a person who is prohibited under Section 559.003(d) from renewing a license if the person:

(1) has not had a license granted by any other state restricted, suspended, revoked, canceled, or surrendered for any reason other than because the person refused or will refuse to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the person, and

(2) qualifies under this section.

SECTION _____. Chapter 560.052(b), Occupations Code, is amended to read as follows:

Sec. 560.052(b) QUALIFICATIONS.

(b) To qualify for a pharmacy license, an applicant must submit to the board:

(1) a license fee set by the board, except as provided by Subsection (d); and

(2) a completed application that:

(A) is on a form prescribed by the board;

(B) is given under oath;

(C) includes proof that:

(i) a pharmacy license held by the applicant in this state or another state, if applicable, has not been restricted, suspended, revoked, or surrendered for any reason other than because of a refusal to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely held religious beliefs of a religious objector; and

(ii) no owner of the pharmacy for which the application is made has held a pharmacist license in this state or another state, if applicable, that has been restricted, suspended, revoked, or surrendered for any reason other than because of a refusal to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the owner; and

(D) includes a statement of:

(i) the ownership;

(ii) the location of the pharmacy;

(iii) the license number of each pharmacist

who is employed by the pharmacy, if the pharmacy is located in this state, or who is licensed to practice pharmacy in this state, if the pharmacy is located in another state;

(iv) the pharmacist license number of the pharmacist-in-charge; and

(v) any other information the board determines necessary.

SECTION ____. Chapter 560.0525(b), Occupations Code, is amended to read as follows:

Sec. 560.0525(b) ADDITIONAL QUALIFICATION REQUIREMENTS FOR CANADIAN PHARMACIES

(b) In addition to satisfying the other requirements of this chapter, to qualify for designation by the board under Section 554.016, a Canadian pharmacy applicant must submit to the board:

(1) evidence satisfactory to the board that the applicant holds a pharmacy license, registration, or permit in good standing issued by Canada or the Canadian province in which the pharmacy is located and is not subject to any pending disciplinary action or legal action by any regulatory authority unless such disciplinary action or legal action solely relates to a refusal to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the applicant;

(2) the name and address of the pharmacy's owner and pharmacist-in-charge for service of process;

(3) evidence of the applicant's ability to provide to the board, not later than 72 hours after the time the board requests the record, a record of a prescription drug order authorizing the pharmacy to dispense a prescription drug to a resident of this state;

(4) an affidavit by the pharmacist-in-charge that states the pharmacist has read and understands this subtitle and the rules adopted under this subtitle that relate to a Canadian pharmacy designated by the board as having passed inspection to dispense prescription drugs to residents in this state;

(5) evidence satisfactory to the board that the applicant meets the standards established by board rule to ensure customer safety for each order filled and in the dispensing, storing, packaging, shipping, and delivering of prescription drugs; and

(6) evidence satisfactory to the board that the applicant's employees hold the appropriate Canadian licenses required to dispense prescription drugs in Canada.

SECTION ____ . Chapter 565.001, Occupations Code, is amended by adding subsection (c) to read as follows:

Sec. 565.001 APPLICANT FOR OR HOLDER OF LICENSE TO PRACTICE PHARMACY

(c) The board shall not discipline an applicant for or the holder of a current or expired license to practice pharmacy on the basis that such applicant or holder has refused or will refuse to provide patient counseling or to dispense, distribute, or administer a drug or device when doing so would violate the sincerely-held religious beliefs of the applicant or holder.

SECTION ____ . Chapter 568.002, Occupations Code, is amended by adding subsection (e) to read as follows:

Sec. 568.002 REGISTRATION REQUIRED

(e) For purposes of this Section, no sincerely-held

religious belief or conduct shall be considered to be a deficiency in the applicant's moral character.

SECTION ____ . Chapter 568.003, Occupations Code, is amended by adding subsection (c) to read as follows:

Sec. 568.003 GROUNDS FOR DISCIPLINARY ACTION

(c) The board shall not take disciplinary action against an applicant for or the holder of a current or expired pharmacy technician or pharmacy technician trainee registration on the basis that such applicant or holder has refused or will refuse to provide services when doing so would violate the sincerely-held religious beliefs of the applicant or holder.



850192

17 APR 30 PM 1:23

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: SCHOFIELD

1 Amend C.S.H.B. No. 2561 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. The Texas State Board of Pharmacy shall
5 conduct a review of the exemptions for dispensing prescription
6 drugs without a pharmacy license under Chapters 158 and 563,
7 Occupations Code, and make recommendations for any additional
8 exemptions needed to better serve patients' needs in this state.



17 APR 30 PM 1:50
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: *W. Stahan*

1 Amend C.S.H.B. No. 2561 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION ____ Chapter 551, Occupations Code, is amended by
5 adding Section 551.007 to read as follows:

6 Sec. 551.007. RETALIATION PROHIBITED. The board may not
7 retaliate or take any other adverse action against a pharmacy that
8 makes a business decision to not stock, sell, or dispense certain
9 prescription and nonprescription drugs.



17 APR 30 PM 1:51
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Mark Stakay

1 Amend C.S.H.B. No. 2561 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Chapter 551, Occupations Code, is amended by
5 adding Section 551.009 to read as follows:

6 Sec. 551.009. RETALIATION PROHIBITED. The board may not
7 retaliate against a pharmacy that does not sell contraceptives,
8 drugs or devices that are potentially abortion-inducing, or any
9 other prescription or nonprescription drug in accordance with the
10 sincerely held religious belief of the pharmacy license holder or
11 the pharmacy owner or operator.



17 APR 30 PM 1:11
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Stickland

1 Amend C.S.H.B. No. 2561 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter A, Chapter 562, Occupations Code,
5 is amended by adding Section 562.017 to read as follows:

6 Sec. 562.017. CERTAIN PRESCRIPTIONS FOR CONTROLLED
7 SUBSTANCES. A pharmacist practicing in a Class A pharmacy shall
8 dispense a controlled substance listed in Schedule II as
9 established by the commissioner of state health services under
10 Chapter 481, Health and Safety Code, that is prescribed by an
11 advanced practice registered nurse or physician assistant to whom a
12 physician has delegated prescribing and ordering authority under
13 Section 157.0511(b-1).



17 APR 30 PM 1:11
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Stickland

1 Amend C.S.H.B. No. 2561 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter B, Chapter 562, Occupations Code,
5 is amended by adding Section 562.058 to read as follows:

6 Sec. 562.058. PROVISION OF CERTAIN MATERIALS WITH EMERGENCY
7 CONTRACEPTION. (a) In this section, "emergency contraception"
8 means a drug that:

9 (1) is used postcoitally;

10 (2) prevents pregnancy by preventing fertilization of
11 an egg or preventing implantation of an egg in a uterus; and

12 (3) is approved by the United States Food and Drug
13 Administration.

14 (b) At the time a pharmacist dispenses or distributes
15 emergency contraception, the pharmacist must provide to the
16 recipient the materials described by Section 171.016, Health and
17 Safety Code.