

By: Price

H.B. No. 2482

A BILL TO BE ENTITLED

AN ACT

relating to pharmacy licensure requirements for certain pharmacies; providing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 560.052(b), Occupations Code, is amended to read as follows:

(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; 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; 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; and

(3) if the applicant is not a pharmacy operated by a publicly traded company:

(A) a statement disclosing:

(i) the pharmacy's financial investors as provided by Section 560.0521; and

(ii) the criminal history record information of each individual owner and financial investor of the pharmacy, or of each individual managing officer of the pharmacy if the pharmacy is a partnership or closely held corporation, accompanied by a complete and legible set of fingerprints of each individual owner, financial investor, and managing officer, as applicable; and

SECTION 2. Subchapter B, Chapter 560, Occupations Code, is amended by adding Sections 560.0521 and 560.0522 to read as follows:

Sec. 560.0521. FINANCIAL INVESTOR DISCLOSURE STATEMENT.

(a) A disclosure statement of financial investors included with an application under Section 560.052(b)(3) must include:

1           (1) the name of each person who is financially  
2 invested in the pharmacy;

3           (2) the total amount of the financial investment made  
4 by each person; and

5           (3) the source of the financial investment as required  
6 by Subsection (b).

7           (b) The disclosure of the source of a financial investment  
8 required by Subsection (a)(3) must include:

9           (1) if the source is money from a checking or savings  
10 account at a financial institution:

11                   (A) the name and address of the financial  
12 institution; and

13                   (B) the account number from which the financial  
14 investment was obtained or in which the financial investment is  
15 maintained;

16           (2) if the source is from the sale of property:

17                   (A) the type of property sold; and

18                   (B) if the property sold is real property:

19                           (i) the property's address;

20                           (ii) the buyer's name and address;

21                           (iii) the date of the sale; and

22                           (iv) the amount of the net proceeds from the  
23 sale of the property;

24           (3) if the source is from a loan:

25                   (A) the date the loan was made;

26                   (B) the amount and terms of the loan;

27                   (C) the collateral securing the loan, if any;

1                   (D) the name and address of the lender; and

2                   (E) a copy of the loan agreement;

3                   (4) if the source is from an inheritance or gift:

4                   (A) the amount of the inheritance or gift; and

5                   (B) the donor's name, address, and relation to  
6 the investor, if any; and

7                   (5) a description of any other source not specified by  
8 this subsection.

9           SECTION 4. Section [566.001](#), Occupations Code, is amended to  
10 read as follows:

11           Sec. 566.001. IMPOSITION OF PENALTY. The board may impose  
12 an administrative penalty on:

13                   (1) a person licensed or regulated under this subtitle  
14 who violates this subtitle or a rule or order adopted under this  
15 subtitle; and

16                   (2) an applicant who fails to disclose criminal  
17 history record information in the manner required by Section  
18 [560.052\(b\)](#).

19           SECTION 5. The changes in law made by this Act apply to an  
20 application for a pharmacy license or a renewal that is submitted or  
21 a change of ownership by a pharmacy that occurs on or after the  
22 effective date of this Act.

23           SECTION 6. This Act takes effect September 1, 2019.