

1-1 By: Paxton, Hall, Sparks S.B. No. 883  
1-2 (In the Senate - Filed January 23, 2025; February 13, 2025,  
1-3 read first time and referred to Committee on Health & Human  
1-4 Services; April 7, 2025, reported favorably by the following vote:  
1-5 Yeas 8, Nays 1; April 7, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
Kolkhorst	X			
Perry	X			
Blanco	X			
Cook		X		
Hall	X			
Hancock	X			
Hughes	X			
Miles	X			
Sparks	X			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to patient access to prescription drugs for off-label use  
1-20 for COVID-19 treatment.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. (a) This Act shall be known as the Right to Treat  
1-23 Act.

1-24 (b) The legislature finds that:

1-25 (1) the relationship between a physician and patient  
1-26 is valued;

1-27 (2) during the COVID-19 pandemic, many patients have  
1-28 been frustrated to learn that their physicians are discouraged from  
1-29 prescribing for off-label use prescription drugs that may aid in  
1-30 the patient's treatment of and recovery from COVID-19; and

1-31 (3) this Act is intended to enable a patient to access  
1-32 and a physician to prescribe for off-label use prescription drugs  
1-33 that may aid in the patient's treatment of and recovery from  
1-34 COVID-19.

1-35 SECTION 2. Subtitle C, Title 6, Health and Safety Code, is  
1-36 amended by adding Chapter 491 to read as follows:

1-37 CHAPTER 491. OFF-LABEL USE OF PRESCRIPTION DRUGS FOR COVID-19  
1-38 TREATMENT

1-39 Sec. 491.001. DEFINITIONS. In this chapter:

1-40 (1) "COVID-19" means the 2019 novel coronavirus  
1-41 disease.

1-42 (2) "Off-label use" means the use of a prescription  
1-43 drug approved for use by the United States Food and Drug  
1-44 Administration in a manner other than the approved use.

1-45 (3) "Physician" means an individual licensed to  
1-46 practice medicine in this state.

1-47 Sec. 491.002. APPLICABILITY. This chapter applies only to  
1-48 the prescribing of a prescription drug the United States Food and  
1-49 Drug Administration has approved for human use.

1-50 Sec. 491.003. PROHIBITED STATE INTERFERENCE WITH PATIENT  
1-51 ACCESS TO OFF-LABEL USE OF PRESCRIPTION DRUG. An official,  
1-52 employee, or agent of this state may not prohibit or restrict a  
1-53 physician from prescribing for off-label use a prescription drug to  
1-54 treat a patient who is exposed to or diagnosed with COVID-19.

1-55 Sec. 491.004. NO CAUSE OF ACTION CREATED. This chapter does  
1-56 not create a private or state cause of action against a manufacturer  
1-57 of a prescription drug approved by the United States Food and Drug  
1-58 Administration or against a physician or any other person involved  
1-59 in the care of a patient who is exposed to or diagnosed with  
1-60 COVID-19 for any harm to the patient resulting from the off-label  
1-61 use of the drug in the treatment of COVID-19.

2-1        Sec. 491.005. PROHIBITED ACTION AGAINST PHYSICIAN'S  
2-2        LICENSE. Notwithstanding any other law, the Texas Medical Board  
2-3        may not revoke, fail to renew, suspend, or take any other adverse  
2-4        action against a physician's license under Subchapter B, Chapter  
2-5        164, Occupations Code, based solely on the physician's prescribing  
2-6        a prescription drug for off-label use to treat a patient who is  
2-7        exposed to or diagnosed with COVID-19, provided the physician's  
2-8        treatment of the patient meets the medical standard of care.

2-9        SECTION 3. This Act takes effect immediately if it receives  
2-10      a vote of two-thirds of all the members elected to each house, as  
2-11      provided by Section 39, Article III, Texas Constitution. If this  
2-12      Act does not receive the vote necessary for immediate effect, this  
2-13      Act takes effect September 1, 2025.

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