



INTEROFFICE MEMO

Gary Grief, Executive Director

Alfonso D. Royal III, Charitable Bingo Operations Director

To: J. Winston Krause, Chairman
Carmen Arrieta-Candelaria, Commissioner
Peggy A. Heeg, Commissioner
Doug Lowe, Commissioner
Robert Rivera, Commissioner

From: Deanne Rienstra, Assistant General Counsel *DFR*

Date: August 8, 2017

Re: Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §401.371 (Collection of Delinquent Obligations for Lottery Retailer Related Accounts)

Attached is a draft rule prepared for submission to the *Texas Register* to adopt amendments to 16 TAC §401.371 (Collection of Delinquent Obligations for Lottery Retailer Related Accounts) with changes to the proposed text as published in the June 16, 2017, issue of the *Texas Register* (42 TexReg 3064). The purpose of the amendments is to update the existing procedure regarding mailing demand letters and to update the referenced citation to the Texas Comptroller of Public Accounts' Accounting Policy Statement 28. The adopted version of the rule corrects two typographical errors in subsection (b)(10), adding a comma and a closing parenthesis.

The Commission received no written comments on the proposed amendments during the public comment hearing.

Recommendation: Staff recommends the Commission adopt the attached rule amendments to 16 TAC §401.371 (Collection of Delinquent Obligations for Lottery Retailer Related Accounts).

1 The Texas Lottery Commission (Commission) adopts amendments to 16 TAC §401.371
2 (Collection of Delinquent Obligations for Lottery Retailer Related Accounts) with changes to the
3 proposed text as published in the June 16, 2017, issue of the *Texas Register* (42 TexReg 3064).
4 The purpose of the amendments is to update the existing procedure regarding mailing demand
5 letters and to update the referenced citation to the Texas Comptroller of Public Accounts'
6 Accounting Policy Statement 28. The adopted version of the rule corrects two typographical errors
7 in subsection (b)(10), adding a comma and a closing parenthesis.

8 The Commission received no written comments on the proposed amendments during the
9 public comment period.

10 These amendments are adopted under Texas Government Code §466.015(c), which
11 authorizes the Commission to adopt rules governing the operation of the lottery, and §467.102,
12 which authorizes the Commission to adopt rules for the enforcement and administration of the
13 laws under the Commission's jurisdiction.

14 This adoption is intended to implement Texas Government Code, Chapter 466.
15 §401.371. Collection of Delinquent Obligations for Lottery Retailer Related Accounts.

16 (a) Definitions. The following words and terms, when used in this section, shall have the following
17 meanings, unless the context clearly indicates otherwise.

18 (1) Debtor--Any person or entity liable or potentially liable for an obligation owed to the
19 commission or against whom a claim or demand for payment has been made, for Lottery Retailer
20 related obligations.

21 (2) Delinquent--Payment is past due by law or by customary business practice, and all
22 conditions precedent to payment have occurred or been performed.

1 (3) Make demand--To deliver or cause to be delivered by United States mail, first class, a
2 writing setting forth the nature and amount of the obligation owed to the commission. A writing
3 making demand is a "demand letter."

4 (4) Obligation--Any debt, judgment, claim, account, fee, fine, tax, penalty, interest.

5 (5) Security--Any right to have property owned by an entity with an obligation to the
6 commission, for Lottery Retailer related obligations, sold or forfeited in satisfaction of the
7 obligation; and any instrument granting a cause of action in favor of the State of Texas and/or the
8 commission against another entity and/or that entity's property, typically, certificates of deposits
9 and agency agreements pursuant to assignments of certificates of deposit, but, could include other
10 security such as a bond, letter of credit, or other collateral that has been pledged to the commission
11 to secure an obligation.

12 (b) Before referring any obligation to the attorney general, the commission will:

13 (1) Attempt to determine the liability of each person responsible for the obligation, whether
14 that liability can be established by statutory or common law. Provide the attorney general with the
15 name of the registered agent, and the address of the registered office of any business organization
16 for which a registered agent is required, and, if known, the name and address of the principal
17 officers of the business entity. If the debtor is an individual, the commission will provide the
18 attorney general with the name and last known business address and residence address of the
19 individual.

20 (2) All demand letters will be mailed in an envelope bearing the notation "Return Service
21 Requested." If an address correction is provided by the United States Postal Service, the demand
22 letter will be re-sent to that address prior to the referral to the attorney general. Demand will be
23 made upon every debtor prior to referral of the account to the attorney general. The final demand

1 letter will include a statement, where practical, that the debt, if not paid, will be referred to the
2 attorney general.

3 (3) If state law allows the commission to record a lien securing the obligation, the
4 commission will file the lien in the appropriate records of the county where the debtor's principal
5 place of business, or, where appropriate, the debtor's residence, is located or in such county as may
6 be required by law. The lien will be filed as soon as practicable after determining that the account
7 is delinquent. After referral of the delinquency to the attorney general, any lien securing the
8 indebtedness will not be released, except on full payment of the obligation, without the approval
9 of the assistant attorney general representing the commission in the matter.

10 (4) Where practicable, the commission will maintain individual collection histories of each
11 account in order to document attempted contacts with the debtor, the substance of communications
12 with the debtor, efforts to locate the debtor and his assets, and other information pertinent to
13 collection of the delinquent account.

14 (5) Prior to referral of the obligation to the attorney general, the commission will (except
15 in the case where a jeopardy determination has been made):

16 (A) verify the debtor's address and telephone number;

17 (B) transmit no more than two demand letters to the debtor at the debtor's verified
18 address. The first demand letter will be sent no later than 30 days after the obligation becomes
19 delinquent. The second demand letter will be sent no sooner than 30 days, but not more than 60
20 days, after the first demand letter;

21 (C) verify that the obligation is not legally uncollectible or uncollectible as a
22 practical matter. The commission will use its best efforts to ensure that referred obligations are not
23 uncollectible, including but not limited to actions in the following circumstances:

1 (i) Bankruptcy. The commission will prepare and timely file a proof of
2 claim, when appropriate, in the bankruptcy case of each debtor, subject to reasonable tolerances
3 adopted by the commission. Copies of all such proofs of claims filed should be sent to the attorney
4 general absent direction by the attorney general to the contrary. The commission will maintain
5 records of notices of bankruptcy filings, dismissals and discharge orders received from the United
6 States bankruptcy courts to enable the commission to ascertain whether the collection of the claim
7 is subject to the automatic stay provisions of the bankruptcy code or whether the debt has been
8 discharged. The commission will seek the assistance of the attorney general in bankruptcy
9 collection matters where necessary, including the filing of a notice of appearance and preparation
10 of a proof of claim.

11 (ii) Limitations. If the obligation is subject to an applicable limitations
12 provision that would prevent suit as a matter of law, the obligation will not be referred unless
13 circumstances indicate that limitations has been tolled or is otherwise inapplicable.

14 (iii) Corporations. If a corporation has been dissolved, has been in
15 liquidation under Chapter 7 of the United States Bankruptcy Code, or has forfeited its corporate
16 privileges or charter, or, in the case of a foreign corporation, had its certificate of authority revoked,
17 the obligation will be referred unless circumstances indicate that the account is clearly
18 uncollectible.

19 (iv) Out-of-state debtors. If the debtor is an individual and is located out-of-
20 state, or outside the United States, the matter will not be referred unless a determination is made
21 that the domestication of a Texas judgment in the foreign forum would more likely than not result
22 in collection of the obligation, or that the expenditure of commission funds to retain foreign
23 counsel to domesticate the judgment and proceed with collection attempts is justified.

1 (v) Deceased debtors. If the debtor is deceased, the commission will file a
2 claim in each probate proceeding administering the decedent's estate. If such probate proceeding
3 has concluded, and there are no remaining assets of the decedent available for distribution, the
4 delinquent obligation will be classified as uncollectible and will not be referred. In cases where a
5 probate administration is pending, or where no administration has been opened, all referred
6 obligations will include an explanation of any circumstances indicating that the decedent has assets
7 available to apply toward satisfaction of the obligation.

8 (6) In the case, where factors come to the attention of the commission, which indicate that
9 the collection of the debt due to the state is jeopardized, or where the property and assets of the
10 commission entrusted to the debtor are in jeopardy, the commission may issue a jeopardy
11 determination stating the amount due and that the collection is in jeopardy, and that the amount
12 due the commission is immediately due and payable.

13 (7) Not later than the 180th day after the date an obligation becomes delinquent, the
14 commission will report the uncollected and delinquent obligation to the attorney general for further
15 collection efforts as hereinafter provided.

16 (8) In the case of a jeopardy determination, the account may be referred to the attorney
17 general at any time after the expiration of 20 days after service by personal service or by mail.

18 (9) The commission will adopt reasonable tolerances, in consultation with the attorney
19 general, below which an obligation shall not be referred. Factors to be considered in establishing
20 tolerances include: the size of the debt; the existence of any security; the likelihood of collection
21 through passive means such as the filing of a lien where applicable; expense to the commission
22 and to the attorney general in attempting to collect the obligation; and the availability of resources

1 both within the commission and within the Office of the Attorney General to devote to the
2 collection of the obligation.

3 (10) The commission will utilize the "warrant hold" procedures of the Comptroller of
4 Public Accounts authorized by the Texas Government Code, §403.055, to ensure that no treasury
5 warrants are issued to debtors until the debt is paid. (See Accounting Policy Statement 28,
6 "Reporting of State Debts and Hold Offset Procedures," issued November 22, 2005, updated
7 September 18, 2015, and as it may be amended, available on the Comptroller of Public Accounts'
8 website, at <https://fm.xcpa.texas.gov/fm/pubs/aps/>).

9 (c) Referral to the attorney general.

10 (1) The commission will refer individual accounts to the attorney general after the
11 procedures set forth in subsection (a)(6) - (8) of this section have been exhausted and an obligation
12 remains. Individual accounts referred to the attorney general will include the following:

13 (A) copies of all correspondence between the commission and the debtor;

14 (B) a log sheet (see subsection (a)(5) of this section) documenting all attempted
15 contacts with the debtor and the result of such attempts;

16 (C) a record of all payments made by the debtor and, where practicable, copies of
17 all checks tendered as payment;

18 (D) any information pertaining to the debtor's residence and his assets; and

19 (E) copies of any permit application, security, final orders, contracts, grants, or
20 instrument giving rise to the obligation.

21 (2) Delinquent accounts upon which an uncollected bond or other security is held shall be
22 referred to the attorney general no later than 180 days after becoming delinquent. All such accounts

- 1 where the principal has filed for relief under federal bankruptcy laws will be referred to the attorney
- 2 general immediately.

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term is defined in subsection (b)(11) of this section. The two (2) Plays for each three dollar (\$3.00) JJ Plays purchase shall be for the same drawing, although the Texas Lottery may sell multi-draw JJ Plays as well.

(5) The purchase price of a single JJ Play shall be three dollars (US \$3.00) for two (2) single lettered selection of Plays, including any specific statutorily-mandated tax of a Party Lottery to be included in the price of a lottery JJ Play. JJ Plays must be printed on separate tickets from MM Plays and must clearly indicate the Plays are for the Just the Jackpot Promotion. Each JJ Play is played separately in determining matches to winning numbers and prize amounts. JJ Plays may be purchased from any authorized Texas Lottery sales agent in a manner as approved by the Texas Lottery and in accordance with this section and the MUSL rules. The winning numbers for the JJ Plays will be the winning numbers drawn in the applicable Mega Millions Drawing. The Grand Prize will not be multiplied or increased by means of the Megaplier Promotion.

(6) Just the Jackpot Prize Pool Contributions.

(A) Mega Millions Prize Pool. The prize pool for JJ Plays shall consist of up to fifty-five percent (55%) of each Drawing period's sales, inclusive of any specific statutorily-mandated tax of a Party Lottery to be included in the price of a lottery's JJ Play, and inclusive of contributions to the prize pool accounts and prize reserve accounts, but may be higher or lower based the funding required to meet a guaranteed Annuity Grand Prize as may be required by the MUSL MM Rules.

(B) Mega Millions Prize Pool Account and Prize Reserve Account contributions. The Product Group shall set the contribution rates to the Just the Jackpot prize pool and prize reserve accounts established by this section.

(i) The contribution rate for JJ Plays to the GPP shall be 50.2012% of sales. An amount up to five percent (5%) of a Party Lottery's JJ Play sales, including any specific statutorily mandated tax of a Party Lottery to be included in the price of a lottery's JJ Play, shall be added to a Party Lottery's Just the Jackpot Prize Pool contribution and placed in trust in one or more prize pool and prize reserve accounts held by the Product Group at any time that the Party Lottery's share of the PRA is below the amounts designated by the Product Group. Details shall be noted in the *Comments* to the MUSL MM Rule JJ5.2.

(ii) All provisions regarding the Grand Prize Pool and Prize Reserve Account as described herein are applicable to JJ Play contributions to the Grand Prize Pool and Prize Reserve Account.

(7) Expected Prize Payout Percentage. The Mega Millions Grand Prize payout shall be determined on a pari-mutuel basis. The Grand Prize amount shall be divided equally by the number of MM Plays and JJ Plays winning the Mega Millions Grand Prize. All prize payouts are made with the following expected prize payout percentages, which does not include any additional amount held in prize reserves:

Figure: 16 TAC §401.315(l)(7)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 2, 2017.
TRD-201702165

Bob Biard
General Counsel
Texas Lottery Commission
Earliest possible date of adoption: July 16, 2017
For further information, please call: (512) 344-5012

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SUBCHAPTER E. RETAILER RULES

16 TAC §401.371

The Texas Lottery Commission (Commission) proposes amendments to 16 TAC §401.371 (Collection of Delinquent Obligations for Lottery Retailer Related Accounts). The purpose of the proposed amendments is to update the existing procedure regarding mailing demand letters and to update the referenced citation to the Texas Comptroller of Public Accounts' Accounting Policy Statement 28.

Kathy Pyka, Controller, has determined that for each year of the first five years the amendments will be in effect, there will be no significant fiscal impact for state or local governments as a result of the proposed amendments. There will be no adverse effect on small businesses, micro businesses, or local or state employment. There will be no additional economic cost to persons required to comply with the amendments, as proposed. Furthermore, an Economic Impact Statement and Regulatory Flexibility Analysis is not required because the amendments will not have an economic effect on small businesses as defined in Texas Government Code §2006.001(2).

Michael Anger, Director of Lottery Operations, has determined that for each year of the first five years the proposed amendments will be in effect, the public benefits are anticipated to be that the Commission's procedural rule for debt collection of retailer delinquent accounts will accurately reflect the mailing requirements of demand letters and update the referenced citation for the Texas Comptroller of Public Accounts Policy Statement 28, "Reporting of State Debts and Hold Offset Procedures."

The Commission requests comments on the proposed amendments from any interested person. Comments on the proposed amendments may be submitted to Deanne Rienstra, Assistant General Counsel, by mail, at Texas Lottery Commission, P.O. Box 16630, Austin, Texas 78761-6630; by facsimile at (512) 344-5189; or by email at legal.input@lottery.state.tx.us. Comments must be received within 30 days after publication of this proposal in order to be considered.

These amendments are proposed under Texas Government Code §466.015, which authorizes the Commission to adopt rules governing the operation of the lottery and §467.102, which authorizes the Commission to adopt rules for the enforcement and administration of the laws under the Commission's jurisdiction.

This proposal is intended to implement Texas Government Code, Chapter 466.

§401.371. *Collection of Delinquent Obligations for Lottery Retailer Related Accounts.*

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Debtor--Any person or entity liable or potentially liable for an obligation owed to the commission or against whom a claim

or demand for payment has been made, for Lottery Retailer related obligations.

(2) Delinquent--Payment is past due by law or by customary business practice, and all conditions precedent to payment have occurred or been performed.

(3) Make demand--To deliver or cause to be delivered by United States mail, first class, a writing setting forth the nature and amount of the obligation owed to the commission. A writing making demand is a "demand letter."

(4) Obligation--Any debt, judgment, claim, account, fee, fine, tax, penalty, interest.

(5) Security--Any right to have property owned by an entity with an obligation to the commission, for Lottery Retailer related obligations, sold or forfeited in satisfaction of the obligation; and any instrument granting a cause of action in favor of the State of Texas and/or the commission against another entity and/or that entity's property, typically, certificates of deposits and agency agreements pursuant to assignments of certificates of deposit, but, could include other security such as a bond, letter of credit, or other collateral that has been pledged to the commission to secure an obligation.

(b) Before referring any obligation to the attorney general, the commission will:

(1) Attempt to determine the liability of each person responsible for the obligation, whether that liability can be established by statutory or common law. Provide the attorney general with the name of the registered agent, and the address of the registered office of any business organization for which a registered agent is required, and, if known, the name and address of the principal officers of the business entity. If the debtor is an individual, the commission will provide the attorney general with the name and last known business address and residence address of the individual.

(2) All demand letters will be mailed in an envelope bearing the notation "Return Service Requested." [in conformity with 39 Code of Federal Regulations, Chapter III, Subchapter A, Part 3001, Subpart C, Appendix A, §911.] If an address correction is provided by the United States Postal Service, the demand letter will be re-sent to that address prior to the referral to the attorney general. Demand will be made upon every debtor prior to referral of the account to the attorney general. The final demand letter will include a statement, where practical, that the debt, if not paid, will be referred to the attorney general.

(3) If state law allows the commission to record a lien securing the obligation, the commission will file the lien in the appropriate records of the county where the debtor's principal place of business, or, where appropriate, the debtor's residence, is located or in such county as may be required by law. The lien will be filed as soon as practicable after determining that the account is delinquent. After referral of the delinquency to the attorney general, any lien securing the indebtedness will not be released, except on full payment of the obligation, without the approval of the assistant attorney general representing the commission in the matter.

(4) Where practicable, the commission will maintain individual collection histories of each account in order to document attempted contacts with the debtor, the substance of communications with the debtor, efforts to locate the debtor and his assets, and other information pertinent to collection of the delinquent account.

(5) Prior to referral of the obligation to the attorney general, the commission will (except in the case where a jeopardy determination has been made):

(A) verify the debtor's address and telephone number;

(B) transmit no more than two demand letters to the debtor at the debtor's verified address. The first demand letter will be sent no later than 30 days after the obligation becomes delinquent. The second demand letter will be sent no sooner than 30 days, but not more than 60 days, after the first demand letter;

(C) verify that the obligation is not legally uncollectible or uncollectible as a practical matter. The commission will use its [it] best efforts to ensure that referred obligations are not uncollectible, including but not limited to actions in the following circumstances:

(i) Bankruptcy. The commission will prepare and timely file a proof of claim, when appropriate, in the bankruptcy case of each debtor, subject to reasonable tolerances adopted by the commission. Copies of all such proofs of claims filed should be sent to the attorney general absent direction by the attorney general to the contrary. The commission will maintain records of notices of bankruptcy filings, dismissals and discharge orders received from the United States bankruptcy courts to enable the commission to ascertain whether the collection of the claim is subject to the automatic stay provisions of the bankruptcy code or whether the debt has been discharged. The commission will seek the assistance of the attorney general in bankruptcy collection matters where necessary, including the filing of a notice of appearance and preparation of a proof of claim.

(ii) Limitations. If the obligation is subject to an applicable limitations provision that would prevent suit as a matter of law, the obligation will not be referred unless circumstances indicate that limitations has been tolled or is otherwise inapplicable.

(iii) Corporations. If a corporation has been dissolved, has been in liquidation under Chapter 7 of the United States Bankruptcy Code, or has forfeited its corporate privileges or charter, or, in the case of a foreign corporation, had its certificate of authority revoked, the obligation will be referred unless circumstances indicate that the account is clearly uncollectible.

(iv) Out-of-state debtors. If the debtor is an individual and is located out-of-state, or outside the United States, the matter will not be referred unless a determination is made that the domestication of a Texas judgment in the foreign forum would more likely than not result in collection of the obligation, or that the expenditure of commission funds to retain foreign counsel to domesticate the judgment and proceed with collection attempts is justified.

(v) Deceased debtors. If the debtor is deceased, the commission will file a claim in each probate proceeding administering the decedent's estate. If such probate proceeding has concluded, and there are no remaining assets of the decedent available for distribution, the delinquent obligation will be classified as uncollectible and will not be referred. In cases where a probate administration is pending, or where no administration has been opened, all referred obligations will include an explanation of any circumstances indicating that the decedent has assets available to apply toward satisfaction of the obligation.

(6) In the case, where factors come to the attention of the commission, which indicate that the collection of the debt due to the state is jeopardized, or where the property and assets of the commission entrusted to the debtor are in jeopardy, the commission may issue a jeopardy determination stating the amount due and that the collection is in jeopardy, and that the amount due the commission is immediately due and payable.

(7) Not later than the 180th day after the date an obligation becomes delinquent, the commission will report the uncollected and delinquent obligation to the attorney general for further collection efforts as hereinafter provided.

(8) In the case of a jeopardy determination, the account may be referred to the attorney general at any time after the expiration of 20 days after service by personal service or by mail.

(9) The commission will adopt reasonable tolerances, in consultation with the attorney general, below which an obligation shall not be referred. Factors to be considered in establishing tolerances include: the size of the debt; the existence of any security; the likelihood of collection through passive means such as the filing of a lien where applicable; expense to the commission and to the attorney general in attempting to collect the obligation; and the availability of resources both within the commission and within the Office of the Attorney General to devote to the collection of the obligation.

(10) The commission will utilize the "warrant hold" procedures of the Comptroller of Public Accounts authorized by the Texas Government Code, §403.055, to ensure that no treasury warrants are issued to debtors until the debt is paid. (See Accounting Policy Statement 28, "Reporting of State Debts and Hold Offset Procedures [Certain Tax Delinquencies to the State,]" issued November 22, 2005, updated September 18, 2015, and as it may be amended, [April 16, 1999 and reissued October 6, 2000] available on the Comptroller of Public Accounts' website, at <https://fm.xcpa.texas.gov/fm/pubs/aps/> [(www.cpa.state.tx.us)].

(c) Referral to the attorney general.

(1) The commission will refer individual accounts to the attorney general after the procedures set forth in subsection (a)(6) - (8) of this section have been exhausted and an obligation remains. Individual accounts referred to the attorney general will include the following:

(A) copies of all correspondence between the commission and the debtor;

(B) a log sheet (see subsection (a)(5) of this section) documenting all attempted contacts with the debtor and the result of such attempts;

(C) a record of all payments made by the debtor and, where practicable, copies of all checks tendered as payment;

(D) any information pertaining to the debtor's residence and his assets; and

(E) copies of any permit application, security, final orders, contracts, grants, or instrument giving rise to the obligation.

(2) Delinquent accounts upon which an uncollected bond or other security is held shall be referred to the attorney general no later than 180 days after becoming delinquent. All such accounts where the principal has filed for relief under federal bankruptcy laws will be referred to the attorney general immediately.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 2, 2017.

TRD-201702166

Bob Biard

General Counsel

Texas Lottery Commission

Earliest possible date of adoption: July 16, 2017

For further information, please call: (512) 344-5012

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TITLE 22. EXAMINING BOARDS

PART 15. TEXAS STATE BOARD OF PHARMACY

CHAPTER 291. PHARMACIES

SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)

22 TAC §§291.32 - 291.34

The Texas State Board of Pharmacy proposes amendments to §291.32 concerning Personnel, §291.33 concerning Operational Standards, and §291.34 concerning Records. The amendments to §291.32, if adopted, clarify what shall be included in the dispensing process of a dispensing pharmacist. The amendments to §291.33, if adopted, update the categories of references required to be maintained in the reference library of Class A pharmacies and require pharmacies that provide veterinary medications to keep a veterinary drug reference. The amendments to §291.34, if adopted, add a requirement that orally or telephonically communicated prescriptions identify the transcribing pharmacist and the prescriber or agent communicating the prescription; clarify the requirements regarding the transfer of prescription drug order information between pharmacies to be consistent with DEA requirements; and clarify who may transfer prescriptions.

Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Ms. Dodson has determined that, for each year of the first five-year period the rules will be in effect, the public benefit anticipated as a result of enforcing the amendments will ensure appropriate review by pharmacists when prescriptions are placed on hold; ensure pharmacies dispensing prescriptions to animals have appropriate reference materials; and ensure appropriate recordkeeping. There is no fiscal impact for individuals, small or large businesses, or to other entities which are required to comply with §291.32 and §291.34. There might be an adverse economic effect on micro, small, and large businesses or to other entities/persons who are required to comply with §291.33 if a pharmacy dispenses prescription medications to animals. It is difficult for the Board to determine the actual cost to businesses required to comply with this rule due to various reference texts available.

Written comments on the amendments may be submitted to Allison Vordenbaumen Benz, R.Ph., M.S., Director of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-500, Austin, Texas 78701, FAX (512) 305-6778. Comments must be received by 5 p.m., July 28, 2017.

The amendments are proposed under §551.002 and §554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§291.32. *Personnel.*

(a) Pharmacist-in-charge.