Chapter 727

AN ACT
relating to amounts charged to an enrollee in a health benefit plan
for prescription drugs covered by the plan.

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

SECTION 1. Section 1369.001, Insurance Code, is amended by
adding Subdivision (2-a) to read as follows:
(2-a) "Enrollee" means an individual who is covered
under a health benefit plan, including a covered dependent.

SECTION 2. Subchapter A, Chapter 1369, Insurance Code, is
amended by adding Section 1369.0041 to read as follows:
Sec. 1369.0041. CERTAIN PAYMENTS AND REFILLS. (a) A
health benefit plan issuer that covers prescription drugs may not
require an enrollee to make a payment for a prescription drug at the
point of sale in an amount greater than the lesser of:
(1) the applicable copayment;
(2) the allowable claim amount for the prescription
drug; or
(3) the amount an individual would pay for the drug if
the individual purchased the drug without using a health benefit
plan or any other source of drug benefits or discounts.
(b) A health benefit plan that covers prescription eye drops
to treat a chronic eye disease or condition must allow the refill of
prescription eye drops if the enrollee timely pays at the point of
sale the maximum amount allowed by Subsection (a) and:
(1) the original prescription states that additional quantities of the eye drops are needed;
(2) the refill does not exceed the total quantity of dosage units authorized by the prescribing provider on the original prescription, including refills; and
(3) the refill is dispensed on or before the last day of the prescribed dosage period and:
   (A) not earlier than the 21st day after the date a prescription for a 30-day supply of eye drops is dispensed;
   (B) not earlier than the 42nd day after the date a prescription for a 60-day supply of eye drops is dispensed; or
   (C) not earlier than the 63rd day after the date a prescription for a 90-day supply of eye drops is dispensed.

SECTION 3. Section 1369.0041, Insurance Code, as added by this Act, applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2018. A plan delivered, issued for delivery, or renewed before January 1, 2018, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.
I hereby certify that S.B. No. 1076 passed the Senate on April 19, 2017, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendments on May 26, 2017, by the following vote: Yeas 30, Nays 1.

I hereby certify that S.B. No. 1076 passed the House, with amendments, on May 21, 2017, by the following vote: Yeas 131, Nays 10, one present not voting.

Approved:

Date

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE 3:30 PM, O'CLOCK

Secretary of State
TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1076 by Schwertner (Relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan.), As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan. Based on information provided by the Texas Department of Insurance, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

According to the Health and Human Services Commission (HHSC), the provisions of the bill would not impact Medicaid and the Children's Health Insurance Program (CHIP); therefore, no significant fiscal impact to HHSC would be anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 327 Employees Retirement System, 454 Department of Insurance, 529 Health and Human Services Commission, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: UP, CP, AG, EH, CL
TO: Honorable Larry Phillips, Chair, House Committee on Insurance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1076 by Schwertner (Relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan.), Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan. Based on information provided by the Texas Department of Insurance and Health and Human Services Commission, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

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LBB Staff: UP, AG, EH, CP, CL
TO: Honorable Larry Phillips, Chair, House Committee on Insurance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1076 by Schwertner (Relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan.), As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan. Based on information provided by the Texas Department of Insurance, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 327 Employees Retirement System, 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: UP, AG, CL, EH, CP
TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1076 by Schwertner (Relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan.), Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

This bill would amend the Insurance Code relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan. Based on information provided by the Texas Department of Insurance, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

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LBB Staff: UP, CL, EH, CP
TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1076 by Schwertner (Relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan.), As Introduced

No significant fiscal implication to the State is anticipated.

This bill would amend the Insurance Code relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan. Based on information provided by the Texas Department of Insurance, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

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LBB Staff: UP, CL, EH, CP