

Chapter 727

S.B. No. 1076

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 (1) the original prescription states that additional
2 quantities of the eye drops are needed;

3 (2) the refill does not exceed the total quantity of
4 dosage units authorized by the prescribing provider on the original
5 prescription, including refills; and

6 (3) the refill is dispensed on or before the last day
7 of the prescribed dosage period and:

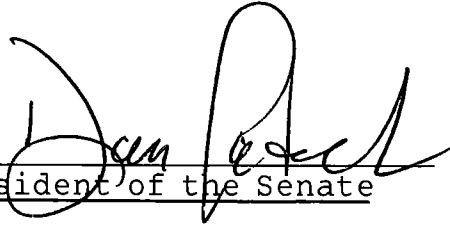
8 (A) not earlier than the 21st day after the date a
9 prescription for a 30-day supply of eye drops is dispensed;

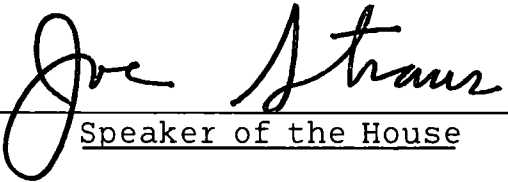
10 (B) not earlier than the 42nd day after the date a
11 prescription for a 60-day supply of eye drops is dispensed; or

12 (C) not earlier than the 63rd day after the date a
13 prescription for a 90-day supply of eye drops is dispensed.

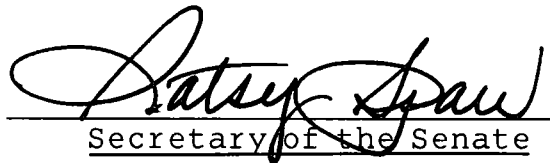
14 SECTION 3. Section 1369.0041, Insurance Code, as added by
15 this Act, applies only to a health benefit plan that is delivered,
16 issued for delivery, or renewed on or after January 1, 2018. A plan
17 delivered, issued for delivery, or renewed before January 1, 2018,
18 is governed by the law as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

21 SECTION 4. This Act takes effect September 1, 2017.

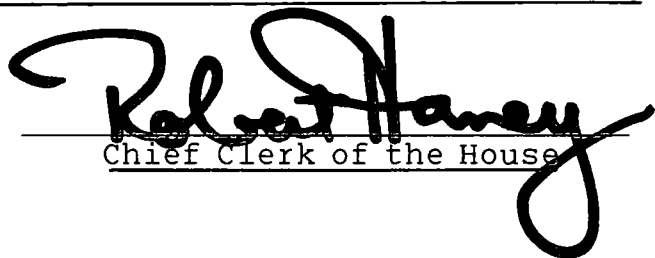

President of the Senate


Speaker of the House

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.



Secretary of the Senate

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.



Chief Clerk of the House

Approved:

6 - 9 - 2017
Date


Governor

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

JUN 12 2017

Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

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.

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, AG, EH, CP, CL

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 5, 2017

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.

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, CL, EH, CP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 20, 2017

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.

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, CL, EH, CP