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[Handwritten signatures: Sean V. Nami, Yvonne G. Tourangeau, and others]

FLOOR AMENDMENT NO. _____

BY: _____

Amend S.B. No. 2423 (House Committee Report) as follows:

(1) In Section 1 of the bill, in amended Section 76.001(3), Health and Safety Code, in the added sentence (page 1, lines 16-17) strike ", if the entity engages in the transfer or sale of such patient information,".

(2) Strike SECTIONS 2 and 3 of the bill (page 2, lines 6-16) and substitute the following:

SECTION 2. Section 76.053, Health and Safety Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A program operator shall, before enrollment, provide each prospective member disclosure materials containing the program operator's policy regarding access to patient information or patient prescription drug histories if the program operator engages in the transfer or sale of a member's patient information or patient prescription drug history.

(b) A marketer shall use disclosure materials that comply with this section [Subsection (a)].

SECTION 3. Title 21, Insurance Code, is amended by adding Chapter 7002 to read as follows:

CHAPTER 7002. SUPPLEMENTAL PROVISIONS RELATING TO DISCOUNT HEALTH CARE OPERATORS

Sec. 7002.001. DEFINITION. For purposes of Chapters 562 and 7001, Insurance Code, "other consideration" provided to a discount health care program or a discount health care program operator includes access to patient information, access to patient prescription drug histories, and drug manufacturer rebates.

Sec. 7002.002. REQUIRED DISCLOSURE. A discount health care program operator shall, before enrollment, provide each

1 prospective member disclosure materials containing the program
2 operator's policy regarding access to patient information or
3 patient prescription drug histories if the program operator engages
4 in the transfer or sale of a member's patient information or patient
5 prescription drug history.

6 Sec. 7002.003. VIOLATION; PENALTIES. A violation of this
7 chapter may be enforced in the same manner as a violation of Chapter
8 562 or 7001.

9 SECTION 4. (a) Sections 1 and 2 of this Act take effect only
10 if H.B. No. 4341 or S.B. No. 2339, Acts of the 81st Legislature,
11 Regular Session, 2009, or another Act of the 81st Legislature,
12 Regular Session, 2009, enacting Chapter 562 and Title 21, Insurance
13 Code, concerning discount health care programs is not enacted or
14 does not become law.

15 (b) Section 3 of this Act takes effect only if H.B. No. 4341
16 or S.B. No. 2339, Acts of the 81st Legislature, Regular Session,
17 2009, or another Act of the 81st Legislature, Regular Session,
18 2009, enacting Chapter 562 and Title 21, Insurance Code, concerning
19 discount health care programs is enacted and becomes law.

20 SECTION 5. This Act takes effect September 1, 2009.