

By: Nelson

S.B. No. 704

A BILL TO BE ENTITLED

AN ACT

relating to disclosure of the prices charged to state agencies in connection with pharmacy benefit manager services.

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

SECTION 1. Chapter 2158, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. PURCHASE OF PHARMACY BENEFIT MANAGER SERVICES

Sec. 2158.401. DEFINITION; APPLICABILITY. (a) In this subchapter, "state agency" means a board, commission, department, office, or other agency in the executive, legislative, or judicial branch of state government that is created by the constitution or a statute of this state, including an institution of higher education as defined by Section 61.003, Education Code.

(b) This subchapter applies in relation to a state agency contract or proposed contract for pharmacy benefit manager services without regard to whether the contract or proposed contract is otherwise subject to this subtitle.

Sec. 2158.402. REQUIRED DISCLOSURE. (a) A state agency on request of another state agency shall disclose information relating to the amounts charged by a pharmacy benefit manager for pharmacy benefit manager services provided under a prescription drug program and other requested pricing information related to a contract for pharmacy benefit manager services. A state agency shall provide information requested under this section not later than the 30th

1 day after the date the information is requested.

2 (b) Subsection (a) does not require a state agency to
3 disclose information the agency is specifically prohibited from
4 disclosing under a contract with a pharmacy benefit manager
5 executed before September 1, 2009.

6 (c) A contract entered, amended, or extended on or after
7 September 1, 2009, may not contain a provision that prohibits a
8 state agency from disclosing under this subchapter information on
9 the amounts charged by a pharmacy benefit manager for pharmacy
10 benefit manager services provided under a prescription drug program
11 or from disclosing under this subchapter other pricing information
12 related to the contract.

13 Sec. 2158.403. CONFIDENTIALITY. The information received
14 by a state agency under Section 2158.402 is confidential. The state
15 agency that receives the information shall maintain the
16 confidentiality of the information by ensuring that only officers,
17 employees, and agents of the state agency who have a need to know
18 the information have access to the information. The information
19 may not be disclosed to a person outside of the state agency and its
20 agents.

21 SECTION 2. This Act takes effect September 1, 2009.