

Amend CSSB 800 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 32.0462, Human Resources Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Before adopting or enforcing a rule or policy under this section that requires a pharmacy to determine the usual and customary price of a prescription drug using a method of calculation that includes or takes into consideration discount prices offered for the prescription drug through a third-party discount card arrangement or membership discount program, the commission must:

(1) conduct a study on the estimated financial impact of the rule or policy on:

(A) pharmacies; and

(B) consumers who are uninsured or enrolled in Medicare;

(2) take into consideration the estimated financial impact of the rule or policy on the persons described by Subdivision (1) based on the results of the study conducted under that subdivision; and

(3) ensure the adoption or enforcement of the rule or policy complies with Chapters 551 and 2001, Government Code.

SECTION _____. If before implementing Section 32.0462(a-1), Human Resources Code, as added by this Act, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.