

AN ACT

relating to emergency refills of insulin and insulin-related equipment or supplies.

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

SECTION 1. Subchapter B, Chapter 562, Occupations Code, is amended by adding Section 562.0541 to read as follows:

Sec. 562.0541. EMERGENCY REFILLS OF INSULIN AND INSULIN-RELATED EQUIPMENT OR SUPPLIES. (a) In this section:

(1) "Insulin" includes an insulin analog and an insulin-like medication, regardless of the activation period or whether the solution is mixed before the prescription is dispensed.

(2) "Insulin-related equipment or supplies" includes needles, syringes, cartridge systems, prefilled pen systems, glucose meters, continuous glucose monitor supplies, and test strips, but excludes insulin pumps.

(b) A pharmacist may provide an emergency refill of insulin or insulin-related equipment or supplies if the pharmacist complies with this section and rules adopted under this section.

(c) Notwithstanding Section 562.054(a) and subject to Subsection (b) of this section, a pharmacist may exercise the pharmacist's professional judgment in refilling a prescription for insulin or insulin-related equipment or supplies without the authorization of the prescribing practitioner if the pharmacist:

(1) is unable to contact the practitioner after

1 reasonable effort;

2 (2) is provided with documentation showing that the
3 patient was previously prescribed insulin or insulin-related
4 equipment or supplies by a practitioner;

5 (3) assesses the patient to determine whether the
6 emergency refill is appropriate;

7 (4) creates a record that documents the patient's
8 visit that includes a notation describing the documentation
9 provided under Subdivision (2); and

10 (5) makes a reasonable attempt to inform the
11 practitioner of the emergency refill at the earliest reasonable
12 time.

13 (d) The quantity of an emergency refill of insulin may not
14 exceed a 30-day supply. The quantity of an emergency refill of
15 insulin-related equipment or supplies may not exceed the lesser of
16 a 30-day supply or the smallest available package.

17 (e) The prescribing practitioner is not liable for an act or
18 omission by a pharmacist in dispensing an emergency refill of
19 insulin or insulin-related equipment or supplies under this
20 section.

21 SECTION 2. Section [1358.054](#), Insurance Code, is amended by
22 adding Subsection (a-1) to read as follows:

23 (a-1) A health benefit plan described by Subsection (a) must
24 provide to each qualified enrollee coverage for emergency refills
25 of diabetes equipment or diabetes supplies dispensed to the
26 enrollee in accordance with Section 562.0541, Occupations Code, in
27 the same manner as for a nonemergency refill of diabetes equipment

1 or diabetes supplies.

2 SECTION 3. As soon as practicable after the effective date
3 of this Act, the Texas State Board of Pharmacy shall adopt rules
4 necessary to implement Section 562.0541, Occupations Code, as added
5 by this Act.

6 SECTION 4. Section 1358.054, Insurance Code, as amended by
7 this Act, applies only to a health benefit plan that is delivered,
8 issued for delivery, or renewed on or after January 1, 2022.

9 SECTION 5. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 1935 was passed by the House on May 11, 2021, by the following vote: Yeas 131, Nays 12, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1935 on May 28, 2021, by the following vote: Yeas 143, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1935 was passed by the Senate, with amendments, on May 24, 2021, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor