

By: Middleton, Raney, Oliverson, Cain,
Lucio III

H.B. No. 2787

A BILL TO BE ENTITLED

1 AN ACT
2 relating to repeal of certain Employee Retirement Income Security
3 Act of 1974 exemption provisions relating to pharmacy benefits.

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

5 SECTION 1. Section 1369.252, Insurance Code, is amended to
6 read as follows:

7 Sec. 1369.252. EXCEPTIONS TO APPLICABILITY OF SUBCHAPTER.
8 This subchapter does not apply to an issuer or provider of health
9 benefits under or a pharmacy benefit manager administering pharmacy
10 benefits under:

11 (1) the state Medicaid program;

12 (2) the federal Medicare program;

13 (3) the state child health plan or health benefits
14 plan for children under Chapter 62 or 63, Health and Safety Code;

15 (4) the TRICARE military health system; or

16 (5) a workers' compensation insurance policy or other
17 form of providing medical benefits under Title 5, Labor Code[~~, or~~

18 [~~(6) a self-funded health benefit plan as defined by~~
19 ~~the Employee Retirement Income Security Act of 1974 (29 U.S.C.~~
20 ~~Section 1001 et seq.)].~~

21 SECTION 2. This Act takes effect September 1, 2021.