

By: Middleton

H.B. No. 2787

A BILL TO BE ENTITLED

AN ACT

relating to repeal of certain Employee Retirement Income Security Act of 1974 exemption provisions relating to pharmacy benefits.

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

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

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

- (1) the state Medicaid program;
- (2) the federal Medicare program;
- (3) the state child health plan or health benefits plan for children under Chapter 62 or 63, Health and Safety Code;
- (4) the TRICARE military health system; or
- (5) a workers' compensation insurance policy or other form of providing medical benefits under Title 5, Labor Code [~~or~~ ~~[(6) a self-funded health benefit plan as defined by the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.)]~~].

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