

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Bucy, Price, Guillen, Talarico

H.B. No. 1935

A BILL TO BE ENTITLED

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, 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 reasonable effort;

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

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

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

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

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

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

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

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

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

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

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

ADOPTED

V ✓  
MAY 24 2021

*Lately Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

*Larry Taylor*

1 Amend H.B. No. 1935 (senate committee report) in SECTION 1 of  
2 the bill, in added Section 562.0541(a)(2), Occupations Code (page  
3 1, line 31), between "meters," and "and", by inserting "continuous  
4 glucose monitor supplies".

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 25, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1935** by Bucy (Relating to emergency refills of insulin and insulin-related equipment or supplies.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Occupations Code relating to emergency refills of insulin and insulin-related equipment or supplies. Based on information provided by the Texas Department of Insurance, Employees Retirement System, Health and Human Services Commission, Texas A&M University System Administration, and UT System Administration, this analysis assumes that the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 327 Employees Retirement System, 454 Department of Insurance, 503 Texas Medical Board, 515 Board of Pharmacy, 529 Hlth & Human Svcs Comm, 710 Texas A&M Univ System Admin, 720 UT Sys Admin

**LBB Staff:** JMc, AKI, MB, MPUK

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 18, 2021**

**TO:** Honorable Lois W. Kolthorst, Chair, Senate Committee on Health & Human Services

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1935** by Bucy (Relating to emergency refills of insulin and insulin-related equipment or supplies.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

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**LBB Staff:** JMc, AKI, MB, MPUK

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 29, 2021**

**TO:** Honorable Stephanie Klick, Chair, House Committee on Public Health

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1935** by Bucy (Relating to emergency refills of insulin and insulin-related equipment or supplies.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

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**LBB Staff:** JMc, AKI, MB, MPUK

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 13, 2021**

**TO:** Honorable Stephanie Klick, Chair, House Committee on Public Health

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1935** by Bucy (Relating to emergency refills of insulin and insulin-related equipment or supplies.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

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