

By: Morales of Maverick

H.B. No. 4800

A BILL TO BE ENTITLED

AN ACT

relating to prohibited discriminatory practices by pharmaceutical drug manufacturers against patient assistance program applicants.

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

SECTION 1. The heading to Chapter 441, Health and Safety Code, is amended to read as follows:

CHAPTER 441. DRUG COST TRANSPARENCY AND AFFORDABILITY

SECTION 2. Section 441.0001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Advocacy service" means a health care provider or other person who, on behalf of health benefit plan sponsors, administrators, or pharmacy benefit managers, assists patients with enrolling in patient assistance programs. The term does not include a health benefit plan issuer.

(1-a) "Animal health product" means a medical product approved and licensed for use in animal or veterinary medicine, including a pharmaceutical, a biologic, an insecticide, and a parasiticide.

(1-b) "Patient assistance program" means a program, grant, scholarship, or foundation that provides to a patient financial assistance, health benefit plan premium support, drug-free products or services, or services associated with the safe use and administration of a drug.

SECTION 3. Chapter 441, Health and Safety Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. PATIENT ASSISTANCE PROGRAMS

Sec. 441.0071. PROHIBITED PRACTICES BY PHARMACEUTICAL DRUG MANUFACTURER. A pharmaceutical drug manufacturer may not reject a patient's application for the manufacturer's patient assistance program based on the patient's:

(1) race, color, national origin, sex, age, or disability;

(2) use of an advocacy service in the application process; or

(3) benefits and coverage under a health benefit plan.

SECTION 4. This Act takes effect September 1, 2023.