

By: Schwertner

S.B. No. 1137

A BILL TO BE ENTITLED

AN ACT

relating to applicability of certain insurance laws to pharmacy benefit managers.

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

SECTION 1. Subchapter D, Chapter 4151, Insurance Code, is amended by adding Section 4151.155 to read as follows:

Sec. 4151.155. APPLICABILITY OF CERTAIN LAWS TO PHARMACY BENEFIT MANAGERS. (a) Except as provided by this section, a pharmacy benefit manager must comply with the provisions of Chapter 1369 with respect to each plan administered by the pharmacy benefit manager, regardless of whether a provision of that chapter is specifically made applicable to the plan.

(b) A pharmacy benefit manager is not required to comply with a provision of Chapter 1369:

(1) with respect to a plan expressly excluded from the applicability of the provision; or

(2) to the extent that the commissioner determines that the nature of third-party administrators renders the provision inapplicable to pharmacy benefit managers.

SECTION 2. As soon as practicable after the effective date of this Act, the commissioner of insurance shall repeal all rules that are inconsistent with Section 4151.155, Insurance Code, as added by this Act.

SECTION 3. Section 4151.155, Insurance Code, as added by

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1 this Act, applies only to a health benefit plan that is delivered,
2 issued for delivery, or renewed on or after January 1, 2024.

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