

By: Oliverson

H.B. No. 3086

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requirements for pharmaceutical drug manufacturers to
3 report prescription drug costs.

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

5 SECTION 1. Section 441.0051, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 441.0051. ANNUAL REPORT. (a) Not later than the 15th
8 day of each calendar year, a pharmaceutical drug manufacturer shall
9 submit a report to the department stating the current wholesale
10 acquisition cost information for the United States Food and Drug
11 Administration-approved prescription drugs sold in or into this
12 state by that manufacturer.

13 (b) For a prescription drug with a wholesale acquisition
14 cost increase of 40 percent or more over the drug's wholesale
15 acquisition cost in the preceding three calendar years or 15
16 percent or more in the preceding calendar year, a pharmaceutical
17 drug manufacturer shall include in the annual report required under
18 Subsection (a):

19 (1) information on whether the prescription drug is a
20 brand name drug or generic version of a brand name drug;

21 (2) a statement on each factor that caused the
22 increase in the wholesale acquisition cost and an explanation of
23 the impact of each factor on the cost;

24 (3) aggregate, research, and development costs as

1 filed with United States Securities and Exchange Commission on Form
2 10-K for the most recent calendar year for which final audit data is
3 available;

4 (4) the name of each of the manufacturer's
5 prescription drugs the United States Food and Drug Administration
6 approved in the previous three calendar years; and

7 (5) the name of each of the manufacturer's
8 prescription drugs that lost patent exclusivity in the United
9 States in the previous three calendar years.

10 (c) The information a pharmaceutical drug manufacturer
11 submits to the department under Subsections (a) and (b) must be
12 consistent with the information the manufacturer includes in the
13 manufacturer's annual consolidated report filed with the United
14 States Securities and Exchange Commission on Form 10-K or any other
15 public disclosure.

16 SECTION 2. Section 441.0054, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 441.0054. PUBLICATION OF COST INCREASE INFORMATION.
19 Not later than the 60th day after receipt of the report submitted
20 under Section 441.0051 [~~or 441.0053(a)~~], the department shall
21 publish the required cost increase information [~~required by Section~~
22 ~~441.0053~~] on the department's prescription drug price information
23 Internet website.

24 SECTION 3. Section 441.0102(a), Health and Safety Code, is
25 amended to read as follows:

26 (a) The department shall [~~may~~] assess an administrative
27 penalty against a person who violates this chapter or a rule adopted

1 under this chapter.

2 SECTION 4. Section [441.0053](#), Health and Safety Code, is
3 repealed.

4 SECTION 5. As soon as practicable after the effective date
5 of this Act, the executive commissioner of the Health and Human
6 Services Commission shall adopt rules necessary to implement the
7 changes in law made by this Act.

8 SECTION 6. This Act takes effect September 1, 2025.