

By: Kolkhorst, et al.  
(Wharton)

S.B. No. 493

Substitute the following for S.B. No. 493:

By: Dean

C.S.S.B. No. 493

A BILL TO BE ENTITLED

AN ACT

relating to protection of certain disclosures and communications by  
pharmacists and pharmacies regarding prescription drug benefits.

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. CERTAIN DISCLOSURES AND COMMUNICATIONS BY  
PHARMACIST OR PHARMACY PROTECTED. (a) A pharmacy benefit manager  
may not, by contract or otherwise, prohibit or restrict a  
pharmacist or pharmacy from informing an enrollee of any difference  
between the enrollee's out-of-pocket cost for a prescription drug  
under the enrollee's prescription drug benefit and the  
out-of-pocket cost without submitting a claim under the enrollee's  
prescription drug benefit.

(b) A provision in a pharmacy benefit manager's pharmacy  
benefit network contract is void and unenforceable if the provision  
prohibits or restricts a pharmacist or pharmacy from:

(1) informing an enrollee of any difference between  
the enrollee's out-of-pocket cost for a prescription drug under the  
enrollee's prescription drug benefit and the out-of-pocket cost  
without submitting a claim under the enrollee's prescription drug  
benefit; or

(2) communicating with plan sponsors or  
administrators regarding member services with respect to

1 prescription drug benefits, pharmacy services and benefits,  
2 network access and adequacy with respect to prescription drug  
3 benefits, partnership opportunities, or prescription claim  
4 reimbursement.

5         SECTION 2. The change in law made by this Act applies only  
6 to a contract or agreement entered into, amended, or renewed on or  
7 after the effective date of this Act.

8         SECTION 3. This Act takes effect September 1, 2025.