

By: Kolkhorst, et al.

S.B. No. 827

A BILL TO BE ENTITLED
AN ACT

relating to health benefit plan cost-sharing requirements for prescription insulin.

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

SECTION 1. Chapter 1358, Insurance Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. COST-SHARING LIMIT

Sec. 1358.101. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or a small or large employer group contract or similar coverage document that is offered by:

- .(1) an insurance company;
- .(2) a group hospital service corporation operating under Chapter 842;
- .(3) a fraternal benefit society operating under Chapter 885;
- .(4) a stipulated premium company operating under Chapter 884;
- .(5) a reciprocal exchange operating under Chapter 942;
- .(6) a health maintenance organization operating under Chapter 843;
- .(7) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or
- .(8) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

.(b) This subchapter applies to group health coverage made available by a school district in accordance with Section 22.004, Education Code.

.(c) Notwithstanding any provision in Chapter 1551, 1575, 1579, or 1601 or any other law, this subchapter applies to:

- .(1) a basic coverage plan under Chapter 1551;
 - .(2) a basic plan under Chapter 1575;
 - .(3) a primary care coverage plan under Chapter 1579;
- and

.(4) basic coverage under Chapter 1601.

.(d) Notwithstanding any other law, this subchapter applies to coverage under:

- .(1) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; and
- .(2) the medical assistance program under Chapter 32, Human Resources Code.

Sec. 1358.102. EXCEPTION. This subchapter does not apply to:

- .(1) a health benefit plan that provides coverage:
 - .(A) only for a specified disease or for another single benefit;
 - .(B) only for accidental death or dismemberment;
 - .(C) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;
 - .(D) as a supplement to a liability insurance policy;
 - .(E) for credit insurance;
 - .(F) only for dental or vision care;

(G) only for hospital expenses; or

(H) only for indemnity for hospital confinement;

(2) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss);

(3) medical payment insurance coverage provided under a motor vehicle insurance policy;

(4) a long-term care insurance policy, including a nursing home fixed indemnity policy, unless the commissioner determines that the policy provides benefit coverage so comprehensive that the policy is a health benefit plan as described by Section 1358.101;

(5) health and accident coverage provided by a risk pool created under Chapter 172, Local Government Code; or

(6) a workers' compensation insurance policy.

Sec. 1358.103. LIMIT ON COST-SHARING REQUIREMENT. (a) In this section, "insulin" means a prescription drug that contains insulin and is used to treat diabetes. The term does not include an insulin drug that is administered to a patient intravenously.

(b) A health benefit plan may not impose a cost-sharing provision for insulin that is included in the health benefit plan's formulary if the total amount the enrollee is required to pay exceeds \$50 for a 30-day supply, regardless of the amount or type of insulin needed to fill the enrollee's prescription.

SECTION 2. The changes in law made by this Act apply only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2022. A health benefit plan delivered, issued for delivery, or renewed before January 1, 2022, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2021.