

## **BILL ANALYSIS**

Senate Research Center  
86R5780 SOS-D

S.B. 759  
By: Buckingham  
Health & Human Services  
3/8/2019  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 759 will help physicians continue to stay up to date on any changes to their patients' care by ensuring they receive notification from a pharmacy in the event a biosimilar medication is substituted for a biological medication.

During the 84th legislative session, the legislature passed a law that created greater access to new and less expensive biosimilar treatment options for Texans who require a complex biologic medicine for their disease or condition. This pathway was established as a way to provide more treatment options, increase access to lifesaving medications, and potentially lower health care costs.

As part of this legislation, a pharmacist was required to provide notification to a physician in the event a biosimilar was dispensed in lieu of a brand medication because unlike generics, biosimilars are more complex and considered interchangeable, but not identical. Thus, one biosimilar or interchangeable biological product might work better or worse for a patient than another.

Interested parties have stated that having a notification requirement in place allows the physician know which biosimilar was dispensed in order to make the best decisions regarding the patient's health. However, under the bill's provisions, this requirement is set to expire on September 1, 2019. In order to ensure physicians continue to be well informed regarding a patient's care, S.B. 759 removes this expiration date to keep the pharmacist notification requirement in place.

As proposed, S.B. 759 amends current law relating to pharmacist communications to prescribing practitioners regarding certain dispensed biological products.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Repealer: Section 562.0051(c) (relating to the expiration of Section 562.0051 (Communication Regarding Certain Dispensed Biological Products) on September 1, 2019), Occupation Code.

SECTION 2. Effective date: upon passage or on the 91st day after the last day of the legislative session.