

SENATE BILL 576

C3, J2

8lr2278
CF 8lr1966

By: **Senator Klausmeier**

Introduced and read first time: January 31, 2018

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacy Benefits Managers – Pharmacies and Pharmacists – Information on**
3 **and Sales of Prescription Drugs**

4 FOR the purpose of prohibiting a pharmacy benefits manager from prohibiting a pharmacy
5 or pharmacist from providing a beneficiary with certain information regarding a
6 certain retail price or certain cost share for a prescription drug; prohibiting a
7 pharmacy benefits manager from prohibiting a pharmacy or pharmacist from
8 discussing with a beneficiary a certain retail price or certain cost share for a
9 prescription drug; prohibiting a pharmacy benefits manager from prohibiting a
10 pharmacy or pharmacist from selling a certain alternative prescription drug under
11 certain circumstances; providing for the construction of this Act; and generally
12 relating to pharmacy benefits managers.

13 BY adding to
14 Article – Insurance
15 Section 15–1611
16 Annotated Code of Maryland
17 (2017 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Insurance**

21 **15–1611.**

22 **(A) A PHARMACY BENEFITS MANAGER MAY NOT PROHIBIT A PHARMACY OR**
23 **PHARMACIST FROM:**

24 **(1) PROVIDING A BENEFICIARY WITH INFORMATION REGARDING THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 RETAIL PRICE FOR A PRESCRIPTION DRUG OR THE AMOUNT OF THE COST SHARE
2 FOR WHICH THE BENEFICIARY IS RESPONSIBLE FOR A PRESCRIPTION DRUG;

3 (2) DISCUSSING WITH A BENEFICIARY INFORMATION REGARDING
4 THE RETAIL PRICE FOR A PRESCRIPTION DRUG OR THE AMOUNT OF THE COST
5 SHARE FOR WHICH THE BENEFICIARY IS RESPONSIBLE FOR A PRESCRIPTION DRUG;
6 OR

7 (3) IF A MORE AFFORDABLE DRUG IS AVAILABLE THAN ONE ON THE
8 PURCHASER'S FORMULARY AND THE REQUIREMENTS FOR A THERAPEUTIC
9 INTERCHANGE UNDER §§ 15-1633 THROUGH 15-1639 OF THIS SUBTITLE ARE MET,
10 SELLING THE MORE AFFORDABLE ALTERNATIVE TO THE BENEFICIARY.

11 (B) THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE REQUIREMENTS
12 FOR A THERAPEUTIC INTERCHANGE UNDER §§ 15-1633 THROUGH 15-1639 OF THIS
13 SUBTITLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2018.