

HOUSE AMENDMENT NO. \_\_\_\_\_  
TO  
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Offered By

1 AMEND House Amendment No. \_\_\_\_\_ to House Committee Substitute for Senate Substitute for  
2 Senate Committee Substitute for Senate Bill No. 826, Page 1, Line 14, by inserting after said line  
3 the following:

4  
5 "Further amend said bill, Page 17, Section 338.056, Line 38, by inserting after all of said section  
6 and line the following:

7  
8 "376.387. 1. For purposes of this section, the following terms shall mean:

9 (1) "Covered person", the same meaning as such term is defined in section 376.1257;

10 (2) "Health benefit plan", the same meaning as such term is defined in section 376.1350;

11 (3) "Health carrier", the same meaning as such term is defined in section 376.1350;

12 (4) "Pharmacy benefits manager", the same meaning as such term is defined in section  
13 376.388.

14 2. No pharmacy benefits manager shall charge or collect from a covered person a co-  
15 payment for a prescription or pharmacy service that exceeds the amount retained by the pharmacist  
16 or pharmacy from all payment sources for filling the prescription or providing the service.

17 3. No pharmacy benefits manager shall prohibit a pharmacist or pharmacy with which the  
18 pharmacy benefits manager has entered a contract from doing either of the following:

19 (1) Informing a covered person of the difference between the covered person's co-payment  
20 for a prescription drug and the amount the covered person would pay if the covered person did not  
21 use a health benefit plan to cover the cost; or

22 (2) Selling a prescription drug to a covered person who chooses not to use a health benefit  
23 plan to cover the cost, provided the cost to the covered person is less than the covered person's co-  
24 payment for the drug.

25 4. No pharmacy benefits manager shall restrict or interfere with a pharmacist's ability to  
26 provide pharmacy care to a covered person, including providing pharmacist-patient communications  
27 and discussing alternative drug options.

28 5. No pharmacy benefits manager shall charge or hold a pharmacist or pharmacy  
29 responsible for any fee that is related to a claim unless the amount of the fee can be determined and  
30 has been disclosed to the pharmacist or pharmacy at the time of the claim's adjudication.

31 6. No pharmacy benefits manager shall prohibit a pharmacist or pharmacy from making any  
32 written or oral statement to any state, county, or municipal official or before any state, county, or  
33 municipal committee, body, or proceeding.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           7. The department of insurance, financial institutions and professional registration shall  
2 enforce the provisions of this section.

3           8. Any person aggrieved by a pharmacy benefits manager's violation of this section may  
4 bring a civil action against the pharmacy benefits manager that violated the provisions of this  
5 section.

6           9. If any person believes that a pharmacy benefits manager has committed a violation of  
7 subsections 2 through 5 of this section, they may mail written notice to the pharmacy benefits  
8 manager describing the alleged violation and allow the pharmacy benefits manager ten business  
9 days from the date the notice was postmarked to remedy such alleged violation. If such alleged  
10 violation is not so remedied, then such person may request the department of insurance, financial  
11 institutions and professional registration to conduct an arbitration proceeding in a manner prescribed  
12 by such division, provided that the division shall issue a ruling within seventy days of receiving the  
13 request. The division may join similar claims and claims presenting a common issue of fact. The  
14 department may establish a reasonable fee, which shall be paid by the non-prevailing party. The  
15 division's ruling shall be final and binding on all parties unless appealed as provided in chapter 536.

16           10. The department of insurance, financial institutions and professional registration may  
17 promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a  
18 rule, as that term is defined in section 536.010 that is created under the authority delegated in this  
19 section shall become effective only if it complies with and is subject to all of the provisions of  
20 chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and  
21 if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay  
22 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
23 grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be  
24 invalid and void."; and"; and

25  
26 Further amend said bill by amending the title, enacting clause, and intersectional references  
27 accordingly.

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29 THIS AMENDMENT AMENDS 5029H07.03H