

SECOND REGULAR SESSION

HOUSE BILL NO. 2527

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY (127).

5528H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to prescription drug costs.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.2027, to read as follows:

376.2027. 1. As used in this section, the following terms shall mean:

- (1) "Defined cost-sharing", a deductible payment or coinsurance amount imposed on a covered individual for a covered prescription drug under the enrollee's health benefit plan;
- (2) "Drug", the same meaning as is ascribed to such term in section 376.1350;
- (3) "Enrollee", the same meaning as is ascribed to such term in section 376.1350;
- (4) "Health benefit plan", the same meaning as is ascribed to such term in section 376.1350;
- (5) "Health carrier", the same meaning as is ascribed to such term in section 376.1350;
- (6) "Pharmacy", the same meaning as is ascribed to such term in section 338.210;
- (7) "Prescription insulin drug", a drug that contains insulin and is used to control blood glucose levels to treat diabetes, except that such term shall not include an insulin drug that is administered to a patient intravenously;
- (8) "Rebate", any discount, negotiated concession, or other payment provided by a pharmaceutical manufacturer, pharmacy, or health benefit plan to an entity to sell,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 provide, pay, or reimburse a pharmacy or other entity in the state for the dispensing or
18 administration of drugs on behalf of itself or another entity;

19 (9) "Trade secret", the same meaning as is ascribed to such term in section
20 417.4523.

21 2. An enrollee's defined cost-sharing for each prescription insulin drug shall be
22 calculated at the point of sale based on a price that is reduced by an amount equal to at
23 least one hundred percent of all rebates received, or to be received, in connection with the
24 dispensing or administration of the drug.

25 3. Nothing in this section shall preclude a health carrier from decreasing a covered
26 individual's defined cost-sharing by an amount greater than that required under
27 subsection 2 of this section.

28 4. In complying with the provisions of this section, no health carrier or its agents
29 shall be required to publish or otherwise reveal information regarding the actual amount
30 of rebates a health carrier receives on a product, manufacturer, or pharmacy-specific
31 basis. Such information shall be protected as a trade secret, shall not be a public record
32 under chapter 610, and shall not be disclosed directly or indirectly. A health carrier shall
33 impose the confidentiality protections of this section on any vendor or other third party
34 that performs health care or administrative services on behalf of the health carrier and
35 which may receive or have access to rebate information.

36 5. If any provision of this section or the application thereof to anyone or to any
37 circumstance is held invalid, the remainder of this section and the application of such
38 provisions to others or other circumstances shall not be affected thereby.

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