

HB 1330 -- PAYMENTS FOR PRESCRIPTION DRUGS

SPONSOR: Smith (155)

This bill prevents health carriers, pharmacy benefits managers, or agents thereof from discriminating against a covered entity or pharmacy by doing any of the following:

- (1) Reimbursing for a covered entity or pharmacy for a quantity of a 340B drug in an amount less than it would pay to a similarly situated pharmacy, on the basis that is specified in the bill;
- (2) Imposing terms or conditions on covered entities or pharmacies that differ from terms and conditions applied to other similarly situated pharmacies or entities that are not covered entities, on the basis that is specified in the bill;
- (3) Interfering with a person's choice to receive a 340B drug from a covered entity or pharmacy;
- (4) Requiring a covered entity or pharmacy to identify 340B drugs;
- (5) Refusing to contract with a covered entity or pharmacy for reasons other than those that apply equally to entities that are not covered entities or similarly situated pharmacies, or on a certain basis;
- (6) Denying the covered entity the ability to purchase drugs at 340B program pricing by substituting a rebate discount;
- (7) Refusing to cover drugs purchased under the 340B pricing program; or
- (8) Requiring a covered entity or pharmacy to reverse, resubmit, or clarify a 340B-drug pricing claim after the initial adjudication unless these actions are in the normal course of a pharmacy business, and not related to 340B drug pricing.

The Director of the Department of Commerce and Insurance shall impose a civil penalty on any health carrier, pharmacy benefits manager, or agent thereof that violates the above. The penalty shall not exceed a rate of \$5000 per day.

The Director shall promulgate necessary rules and regulations to implement the provisions of this bill.