

HOUSE BILL 1103

C3, J2

7lr3108
CF 7lr3161

By: **Delegates Kipke, Krebs, McDonough, Metzgar, Oaks, Szeliga, West, and K. Young**

Introduced and read first time: February 9, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance and Pharmacy Benefits Managers – Reimbursement for and**
3 **Provision of Pharmacy Services**

4 FOR the purpose of authorizing a pharmacist or a pharmacy to decline to dispense a
5 prescription drug or provide a pharmacy service to a certain member if the amount
6 reimbursed by a certain insurer, nonprofit health service plan, or health
7 maintenance organization is less than a certain acquisition cost; prohibiting a
8 pharmacy benefits manager from reimbursing a pharmacy or pharmacist for a
9 product or a pharmacy service in an amount less than a certain amount; providing
10 for the application of this Act; and generally relating to reimbursement for pharmacy
11 services by insurers and pharmacy benefits managers and provision of pharmacy
12 services.

13 BY adding to

14 Article – Insurance

15 Section 15–1012 and 15–1632

16 Annotated Code of Maryland

17 (2011 Replacement Volume and 2016 Supplement)

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 **15–1012.**

22 **(A) IN THIS SECTION, “MEMBER” MEANS AN INDIVIDUAL ENTITLED TO**
23 **HEALTH CARE BENEFITS FOR PRESCRIPTION DRUGS OR PHARMACY SERVICES**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 UNDER A POLICY OR CONTRACT ISSUED OR DELIVERED IN THE STATE BY AN ENTITY
2 SUBJECT TO THIS SECTION.

3 (B) (1) THIS SECTION APPLIES TO:

4 (I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
5 PROVIDE COVERAGE FOR PRESCRIPTION DRUGS AND PHARMACY SERVICES UNDER
6 HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN
7 THE STATE; AND

8 (II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
9 COVERAGE FOR PRESCRIPTION DRUGS AND PHARMACY SERVICES UNDER
10 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

11 (2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH
12 MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION
13 DRUGS AND PHARMACY SERVICES THROUGH A PHARMACY BENEFITS MANAGER IS
14 SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

15 (C) IF THE AMOUNT REIMBURSED BY AN ENTITY SUBJECT TO THIS SECTION
16 FOR A PRESCRIPTION DRUG OR PHARMACY SERVICE IS LESS THAN THE PHARMACY
17 ACQUISITION COST FOR THE SAME PRESCRIPTION DRUG OR PHARMACY SERVICE,
18 THE PHARMACIST OR PHARMACY MAY DECLINE TO DISPENSE THE PRESCRIPTION
19 DRUG OR PROVIDE THE PHARMACY SERVICE TO A MEMBER.

20 15-1632.

21 A PHARMACY BENEFITS MANAGER MAY NOT REIMBURSE A PHARMACY OR
22 PHARMACIST FOR A PRODUCT OR A PHARMACY SERVICE IN AN AMOUNT LESS THAN
23 THE AMOUNT THE PHARMACY BENEFITS MANAGER REIMBURSES ITSELF OR AN
24 AFFILIATE FOR THE SAME PRODUCT OR PHARMACY SERVICE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2017.