

# HOUSE BILL 736

C3, J2

8lr1966  
CF SB 576

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By: Delegates Bromwell and ~~Anderton~~, Anderton, Pendergrass, Angel, Barron, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, Metzgar, Miele, Morales, Morgan, Pena-Melnyk, Platt, Rosenberg, Saab, Sample-Hughes, Szeliga, West, and K. Young

Introduced and read first time: February 1, 2018

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

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## CHAPTER \_\_\_\_\_

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:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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Article – Insurance

2 15-1611.

3 (A) A PHARMACY BENEFITS MANAGER MAY NOT PROHIBIT A PHARMACY OR  
4 PHARMACIST FROM:

5 (1) PROVIDING A BENEFICIARY WITH INFORMATION REGARDING THE  
6 RETAIL PRICE FOR A PRESCRIPTION DRUG OR THE AMOUNT OF THE COST SHARE  
7 FOR WHICH THE BENEFICIARY IS RESPONSIBLE FOR A PRESCRIPTION DRUG;

8 (2) DISCUSSING WITH A BENEFICIARY INFORMATION REGARDING  
9 THE RETAIL PRICE FOR A PRESCRIPTION DRUG OR THE AMOUNT OF THE COST  
10 SHARE FOR WHICH THE BENEFICIARY IS RESPONSIBLE FOR A PRESCRIPTION DRUG;  
11 OR

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.