

SENATE BILL 1074

C3
SB 1055/17 – FIN

8lr3408
CF HB 1290

By: **Senator Mathias**

Introduced and read first time: February 9, 2018

Assigned to: Rules

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; defining a
10 certain term; providing for the application of this Act; and generally relating to
11 reimbursement for pharmacy services by insurers and pharmacy benefits managers
12 and provision of pharmacy services.

13 BY adding to
14 Article – Insurance
15 Section 15–1012 and 15–1632
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:

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**
24 **UNDER A POLICY OR CONTRACT ISSUED OR DELIVERED IN THE STATE BY AN ENTITY**
25 **SUBJECT TO THIS SECTION.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

18 **15-1632.**

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

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
24 **October 1, 2018.**