

Chapter 217

**(House Bill 736)**

AN ACT concerning

**Pharmacy Benefits Managers – Pharmacies and Pharmacists – Information on  
and Sales of Prescription Drugs**

FOR the purpose of prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from providing a beneficiary with certain information regarding a certain retail price or certain cost share for a prescription drug; prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from discussing with a beneficiary a certain retail price or certain cost share for a prescription drug; prohibiting a pharmacy benefits manager from prohibiting a pharmacy or pharmacist from selling a certain alternative prescription drug under certain circumstances; providing for the construction of this Act; and generally relating to pharmacy benefits managers.

BY adding to

Article – Insurance

Section 15–1611

Annotated Code of Maryland

(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Insurance**

**15–1611.**

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

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

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

**(3) IF A MORE AFFORDABLE DRUG IS AVAILABLE THAN ONE ON THE PURCHASER’S FORMULARY AND THE REQUIREMENTS FOR A THERAPEUTIC**

**INTERCHANGE UNDER §§ 15–1633 THROUGH 15–1639 OF THIS SUBTITLE ARE MET, SELLING THE MORE AFFORDABLE ALTERNATIVE TO THE BENEFICIARY.**

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

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

**Approved by the Governor, April 24, 2018.**