

HOUSE BILL 759

C3
HB 1402/18 – HGO

9lr0958

By: **Delegates Morgan, Buckel, Carr, Charles, Chisholm, Hill, Kelly, Kerr, Kipke, Krebs, Pena–Melnik, Saab, Sample–Hughes, ~~and Szeliga~~ Szeliga, Pendergrass, Bagnall, Barron, Bhandari, Cullison, Johnson, R. Lewis, Metzgar, Rosenberg, and K. Young**

Introduced and read first time: February 8, 2019
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Pharmacy Benefits Managers – Pharmacy Choice**

3 FOR the purpose of prohibiting, except under certain circumstances, a pharmacy benefits
4 manager from requiring that a beneficiary use a specific pharmacy or entity to fill a
5 prescription if the pharmacy benefits manager or a certain affiliate of the pharmacy
6 benefits manager has an ownership interest in the pharmacy or entity or if the
7 pharmacy or entity has an ownership interest in the pharmacy benefits manager or
8 a certain affiliate of the pharmacy benefits manager; and generally relating to
9 pharmacy benefits managers.

10 BY adding to
11 Article – Insurance
12 Section 15–1611.1
13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2018 Supplement)

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

17 **Article – Insurance**

18 **15–1611.1.**

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.



1 **(A) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
2 **PHARMACY BENEFITS MANAGER MAY NOT REQUIRE THAT A BENEFICIARY USE A**
3 **SPECIFIC PHARMACY OR ENTITY TO FILL A PRESCRIPTION IF:**

4 **(1) THE PHARMACY BENEFITS MANAGER OR A CORPORATE AFFILIATE**
5 **OF THE PHARMACY BENEFITS MANAGER HAS AN OWNERSHIP INTEREST IN THE**
6 **PHARMACY OR ENTITY; OR**

7 **(2) THE PHARMACY OR ENTITY HAS AN OWNERSHIP INTEREST IN THE**
8 **PHARMACY BENEFITS MANAGER OR A CORPORATE AFFILIATE OF THE PHARMACY**
9 **BENEFITS MANAGER.**

10 **(B) A PHARMACY BENEFITS MANAGER MAY REQUIRE A BENEFICIARY TO**
11 **USE A SPECIFIC PHARMACY OR ENTITY FOR A SPECIALTY DRUG AS DEFINED IN §**
12 **15-847 OF THIS TITLE.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 ~~October~~ June 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.