A BILL ENTITLED

AN ACT concerning

Pharmacy Benefits Managers – Prohibitions Related to Reimbursement and Use of Specific Pharmacy Requirement – Application

FOR the purpose of repealing the authority of certain pharmacy benefits managers to require a beneficiary to use a specific pharmacy or entity for a specialty drug; altering the application of the prohibition on certain pharmacy benefits managers reimbursing a pharmacy or pharmacist in an amount less than the amount that the pharmacy benefits manager reimburses itself or an affiliate for providing the same product or service; and generally relating to pharmacy benefits managers.

BY repealing and reenacting, with amendments,

Article – Insurance
Section 15–1611.1 and 15–1612
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

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

Article – Insurance

15–1611.1.

(a) This section applies only to a pharmacy benefits manager that provides pharmacy benefits management services on behalf of a carrier.

(b) [Except as provided in subsection (c) of this section, a] A pharmacy benefits manager may not require that a beneficiary use a specific pharmacy or entity to fill a prescription if:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
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(1) the pharmacy benefits manager or a corporate affiliate of the pharmacy
benefits manager has an ownership interest in the pharmacy or entity; or

(2) the pharmacy or entity has an ownership interest in the pharmacy
benefits manager or a corporate affiliate of the pharmacy benefits manager.

[(c) A pharmacy benefits manager may require a beneficiary to use a specific
pharmacy or entity for a specialty drug as defined in § 15–847 of this title.]

15–1612.

(a) This section applies only to a pharmacy benefits manager that provides
pharmacy benefits management services on behalf of a carrier.

[(b) This section does not apply to reimbursement:

(1) for specialty drugs;

(2) for mail order drugs; or

(3) to a chain pharmacy with more than 15 stores or a pharmacist who is
an employee of the chain pharmacy.]

[(c) (B) A pharmacy benefits manager may not reimburse a pharmacy or
pharmacist for a pharmaceutical product or pharmacist service in an amount less than the
amount that the pharmacy benefits manager reimburses itself or an affiliate for providing
the same product or service.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2022.