

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2211 Session of 2018

INTRODUCED BY WARD, CORBIN, BOBACK, MILLARD, ORTITAY, ROTHMAN, JAMES, PICKETT, MCGINNIS, RAPP, READSHAW, OBERLANDER, PASHINSKI, FLYNN, B. MILLER, MENTZER, TOEPEL, IRVIN, SCHLEGEL, CULVER, CRUZ, HEFFLEY, J. McNEILL, GROVE, HILL-EVANS, SAYLOR, COX, WATSON, JOZWIAK, FARRY, PHILLIPS-HILL, FEE, LONGIETTI, CHARLTON, BARRAR, GILLEN, PEIFER, KAUFFMAN, KLUNK, MATZIE, KORTZ, HELM, MEHAFFIE, B. O'NEILL AND STAATS, MAY 29, 2018

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 12, 2018

AN ACT

1 Providing for consumer prescription drug pricing disclosure.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Consumer
6 Prescription Drug Pricing Disclosure Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Covered entity." A member, participant, enrollee,
12 contractholder or policyholder providing pharmacy benefits to a
13 covered individual under a health coverage plan pursuant to a
14 contract administered by a pharmacy benefit manager.

1 "Covered individual." A member, participant, enrollee,
2 contractholder or policyholder or beneficiary of a covered
3 entity who is provided health coverage by the covered entity.
4 The term includes a dependent or other person provided health
5 coverage through the policy, contract or plan of a covered
6 individual.

7 "Pharmacist." As defined in section 2(10) the act of
8 September 27, 1961 (P.L.1700, No.699), known as the Pharmacy
9 Act.

10 "Pharmacy." As defined in section 2(12) of the Pharmacy Act.

11 "Pharmacy benefits management." Any of the following:

12 (1) Procurement of prescription drugs at a negotiated
13 contracted rate for distribution within this Commonwealth to
14 covered individuals.

15 (2) Administration or management of prescription drug
16 benefits provided by a covered entity for the benefit of
17 covered individuals.

18 (3) Administration of pharmacy benefits, including:

19 (i) Operating a mail-service pharmacy.

20 (ii) Claims processing.

21 (iii) Managing a retail pharmacy network management.

22 (iv) Paying claims to pharmacies for prescription
23 drugs dispensed to covered individuals via retail or
24 mail-order pharmacy.

25 (v) Developing and managing a clinical formulary,
26 utilization management and quality assurance programs.

27 (vi) Rebate contracting and administration.

28 (vii) Managing a patient compliance, therapeutic
29 intervention and generic substitution program.

30 (viii) Operating a disease management program.

1 (ix) Setting pharmacy reimbursement pricing and
2 methodologies, including maximum allowable cost, and
3 determining single or multiple source drugs.

4 "Pharmacy benefits manager." A person, business or other
5 entity that performs pharmacy benefits management.

6 Section 3. Disclosure of prescription drug costs.

7 (a) Information to covered individual.--A pharmacy or
8 pharmacist shall have the right to provide a covered individual
9 with ~~all available~~ information concerning the cost of a <--
10 prescription drug, including, ~~but not limited to,~~ the <--
11 individual's cost share.

12 (b) No prohibition or penalization.--Neither a pharmacy, a
13 pharmacist nor its contracting agent shall be prohibited from or
14 penalized by a pharmacy benefits manager for discussing the
15 information under subsection (a), disclosing the availability of
16 any therapeutically equivalent alternative medications or
17 selling to the covered individual a more affordable alternative
18 if an affordable alternative is available.

19 Section 4. Effective date.

20 This act shall take effect in 60 days.