

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. House Bill 943

PRINTER NO. 3655

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

April 29, 2019

PRIME SPONSOR

Representative Gaydos

DESCRIPTION AND PURPOSE OF BILL

House Bill 943 creates the Consumer Prescription Drug Pricing and Freedom Disclosure Act (the act) to allow pharmacists to disclose cost-related prescription drug information.

The bill defines “covered individual” as a member, participant, enrollee or beneficiary of a covered entity who is provided health coverage by the covered entity. The term includes a dependent or other person provided health coverage through the policy or contract of a covered individual.

The bill permits a pharmacy or pharmacist to provide a covered individual with information regarding the cost of a prescription drug, including the individual’s cost share.

The bill prohibits a pharmacy benefits manager (PBM) or pharmacy services administration organization (PSAO) from penalizing a pharmacy, pharmacist or contracting agent of a pharmacy or pharmacist for disclosing the following to a covered individual:

- Costs related to a prescription drug, including an individual’s cost share;
- Availability of therapeutically equivalent alternative medications; and
- More affordable alternatives if one is available.

House Bill 943 forbids a PBM or PSAO from penalizing or restricting a pharmacist or pharmacy for disclosing contract information to any state, county or municipal official or before any state, county or municipal committee, body or proceeding.

This act shall take effect immediately.

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FISCAL IMPACT:

House Bill 943 will have no fiscal impact on Commonwealth funds. Under the federal Patient Right to Know Drug Prices Act of 2018 and Know the Lowest Price Act of 2018, pharmacists cannot be contractually obligated to withhold possible patient cost savings.

Although the Commonwealth will not realize savings, Pennsylvania citizens may to the extent pharmacists are able to recommend more cost effective, therapeutically equivalent medication.