

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 62 Session of 2023

INTRODUCED BY HUGHES, HAYWOOD, FONTANA, SCHWANK, DILLON, STREET,
COSTA, BREWSTER AND TARTAGLIONE, JANUARY 30, 2023

REFERRED TO BANKING AND INSURANCE, JANUARY 30, 2023

AN ACT

1 Amending the act of September 27, 1961 (P.L.1700, No.699),
2 entitled "An act relating to the regulation of the practice
3 of pharmacy, including the sales, use and distribution of
4 drugs and devices at retail; and amending, revising,
5 consolidating and repealing certain laws relating thereto,"
6 providing for price disclosure.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of September 27, 1961 (P.L.1700, No.699),
10 known as the Pharmacy Act, is amended by adding a section to
11 read:

12 Section 9.6. Price Disclosure.--(a) For every prescription
13 medicine that a consumer intends to purchase, a pharmacist or an
14 authorized employe of the pharmacist shall disclose all of the
15 following information:

16 (1) The current pharmacy retail price.

17 (2) The consumer's cost-sharing amount, including a
18 statement as to whether the cost-sharing amount is higher or
19 lower than the current pharmacy retail price.

20 (3) The median cost-sharing amount, including a statement

1 that includes the following additional information:

2 (i) Whether the median cost-sharing amount is higher or
3 lower than the current pharmacy retail price.

4 (ii) Information as to how and where the consumer can
5 purchase an on-exchange health insurance policy that includes
6 the median cost-sharing amount or provides comparable coverage.

7 (b) The board shall adopt rules and regulations necessary to
8 carry out and enforce this section, which shall include the
9 methods of determining the pharmacy retail price, cost-sharing
10 amount and median cost-sharing amount for prescription
11 medications.

12 (c) As used in this section, the following words and phrases
13 shall have the meanings given to them in this subsection unless
14 the context clearly indicates otherwise:

15 (1) "Cost-sharing amount" means the amount owed by a
16 policyholder under the terms of the policyholder's health
17 insurance policy or as required by a pharmacy benefit manager.

18 (2) "Health insurance policy" has the same meaning as
19 defined under section 631.1(f) of the act of May 17, 1921
20 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

21 (3) "Median cost-sharing amount" means the median cost-
22 sharing amount for a prescription medicine, determined by
23 sorting the cost-sharing amounts for the prescription medication
24 for all on-exchange health insurance policies in the county
25 where a pharmacy is located and selecting the middle value. The
26 board shall collaborate with the Department of Insurance in
27 determining which on-exchange health insurance policies should
28 be included in calculating the median cost-sharing amount for a
29 prescription medication.

30 (4) "On-exchange health insurance policy" means a health

1 insurance policy offered for purchase on the official State-
2 based health insurance marketplace of the Commonwealth.

3 (5) "Pharmacy benefit manager" has the same meaning as
4 defined under section 449(1) of the act of June 13, 1967
5 (P.L.31, No.21), known as the "Human Services Code."

6 (6) "Pharmacy retail price" means the price that an
7 individual without prescription drug coverage or not using any
8 other prescription medication benefit or discount would pay at a
9 retail pharmacy, not including a pharmacist dispensing fee.

10 Section 2. This act shall take effect in 60 days.