

## HB0054S01 compared with HB0054

~~text~~ shows text that was in HB0054 but was deleted in HB0054S01.

inserted text shows text that was not in HB0054 but was inserted into HB0054S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

**Representative Dixon M. Pitcher proposes the following substitute bill:**

### PRESCRIPTION DRUG ACCESS IN RURAL AREAS

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dixon M. Pitcher**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends the Pharmacy Practice Act to provide access to pharmacies in rural areas of the state.

##### Highlighted Provisions:

This bill:

- ▶ amends provisions of the Pharmacy Practice Act to prohibit a third party payor of prescription drug benefits from charging a patient higher copayments for a prescription drug if the patient resides in a rural area of the state and chooses not to use an out-of-state mail order pharmacy.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

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None

### Utah Code Sections Affected:

AMENDS:

**58-17b-619**, as enacted by Laws of Utah 2004, Chapter 280

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-17b-619** is amended to read:

**58-17b-619. Third party payors -- Mail-order pharmacies -- Rural access.**

(1) Any third party payor for pharmaceutical services within the state, ~~[or]~~ including its agent or contractor or its pharmacy benefits manager or coordinator, may not require any pharmacy patient to obtain prescription drug benefits from a specific out-of-state pharmacy or mail-order pharmacy as a condition of obtaining third party payment prescription drug benefit coverage as defined in rule.

(2) (a) ~~[This]~~ Except as provided in Subsection (2)(c), this section does not prohibit any third party payor of pharmaceutical services, who provides for reimbursement to the pharmacy patient or payment on ~~[his]~~ the patient's behalf, from exercising the right to limit the amount reimbursed for the cost of prescription drugs based upon the cost of identical prescription drugs available through a designated out-of-state or mail-order pharmacy.

(b) Notwithstanding Subsection (2)(a), any third party payor of pharmaceutical services may restrict the type of outlet where a patient may obtain certain prescriptive drugs and devices, such as injectable medications, that are not readily available in all pharmacies. The payor may also restrict access to no more than one mail-order pharmacy.

(c) (i) Subsection (2)(c) applies if the prescription is filled at a pharmacy located in:

(A) a county of the third through sixth class; or

(B) Washington County.

(ii) Notwithstanding the provisions of Subsection (2)(a), ~~beginning with contracts entered into or renewed on or after July 1, 2012,~~ a third party payor of pharmaceutical services ~~+~~ who provides for reimbursement to the pharmacy patient or payment on the patient's behalf ~~+~~:

(A) may not ~~limit the amount reimbursed to either the patient or the pharmacy for the cost of prescription drugs based upon the cost of identical prescription drugs available through~~

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~~a designated out-of-state pharmacy or mail-order pharmacy if the prescription is filled at a pharmacy located in a county of the second through sixth class as provided in Section 17-50-501} impose any cost sharing on the patient that is different than the cost sharing for a patient who receives the drug from a mail order pharmacy, including a different co-payment, co-insurance or deductible;~~

~~(B) may not reimburse the pharmacy less than the amount the mail order pharmacy would receive from the third party payor for the drug; and~~

~~(C) may reimburse the pharmacy more than the amount the mail order pharmacy would receive from the third party payor for the drug.~~

(3) Each third party payor of pharmaceutical services shall identify as a part of the third party agreement or contract the designated out-of-state pharmacy which shall be used as the base line comparison.

(4) (a) A violation of this section is a class A misdemeanor.

(b) Each violation of this section is a separate offense.

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### Legislative Review Note

~~as of 12-7-11 2:44 PM~~

~~Office of Legislative Research and General Counsel}~~