

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: _____

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:

None

Utah Code Sections Affected:

AMENDS:

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

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



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

27 **58-17b-619. Third party payors -- Mail-order pharmacies -- Rural access.**

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

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

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

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

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

44 (B) Washington County.

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

48 (A) may not impose any cost sharing on the patient that is different than the cost
49 sharing for a patient who receives the drug from a mail order pharmacy, including a different
50 co-payment, co-insurance or deductible;

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

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

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

57 base line comparison.

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

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