

SB0208S01 compared with SB0208

~~text~~ shows text that was in SB0208 but was deleted in SB0208S01.

Inserted text shows text that was not in SB0208 but was inserted into SB0208S01.

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Senator Evan J. Vickers proposes the following substitute bill:

PHARMACY BENEFITS MANAGER OR COORDINATOR

AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the Pharmacy Practice Act.

Highlighted Provisions:

This bill:

- ▶ requires a pharmacy benefits manager or coordinator that uses direct or indirect remuneration to report certain information to pharmacies; and
- ▶ prohibits a pharmacy benefits manager or coordinator from preventing a pharmacist from disclosing cost information to a patient.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

58-17b-626, Utah Code Annotated 1953

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

Section 1. Section **58-17b-626** is enacted to read:

58-17b-626. Direct or indirect remuneration by pharmacy benefits managers --

Disclosure of customer costs.

(1) As used in this section:

(a) "Cost" means the amount paid by a customer:

(i) with or without coverage by a health benefit plan;

(ii) with or without copays, deductibles, or coinsurance; and

(iii) with or without assistance from a drug manufacturer or others.

(b) (i) "Direct or indirect remuneration" means any adjustment in the total

compensation:

(A) received by a pharmacy from a pharmacy benefits manager for the sale of a drug, device, or other product or service; and

(B) determined after the sale of the product or service.

(ii) "Direct or indirect remuneration" includes performance-based adjustments.

(c) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.

(d) "Sale" means a sale covered by ~~{Medicare Part D, 42 U.S.C. Sec. 1395w et seq}~~[a](#)

[health benefit plan](#).

(2) If a pharmacy benefits manager or coordinator uses direct or indirect remuneration, the pharmacy benefits manager or coordinator shall report to the pharmacy:

(a) the amount of direct or indirect remuneration related to the sale;

(b) the reason for the direct or indirect remuneration; and

(c) if the direct or indirect remuneration is a reduction in total compensation, what the pharmacy can do to prevent the direct or indirect remuneration in the future.

(3) The report described in Subsection (2) shall be sent to a pharmacy no later than 90

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days after the pharmacy benefits manager or coordinator receives a report of a sale of a product or service by the pharmacy.

(4) (a) A pharmacy benefits manager or coordinator may not prohibit or penalize the disclosure by a ~~pharmacy from disclosing~~ pharmacist of the cost of a drug, device, or other product or service sold by the ~~pharmacy~~ pharmacist to a patient or to the public.

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Legislative Review Note

~~Office of Legislative Research and General Counsel~~ (b) Penalties that are prohibited under Subsection (4)(a) include increased utilization review, reduced payments, and other financial disincentives.

(5) A pharmacy benefits manager or coordinator may not require a patient to pay, at the point of sale for a covered prescription drug, more than the lesser of:

(a) the applicable copayment for the prescription drug being dispensed;

(b) the allowable claim amount for the prescription drug being dispensed; or

(c) the amount that the patient would pay for the prescription drug if the patient purchased the prescription drug without using a health benefit plan.