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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Montford) recommended the following:

Senate Amendment

Delete lines 116 - 192

and insert:

(5) This section applies to contracts entered into, modified, amended, altered, or renewed on or after July 1, 2018.

Section 5. Section 627.6572, Florida Statutes, is created to read:

627.6572 Pharmacy benefit manager contracts.—

(1) As used in this section, the term:



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11 (a) "Maximum allowable cost" means the per-unit amount that
12 a pharmacy benefit manager reimburses a pharmacist for a
13 prescription drug, excluding dispensing fees, prior to the
14 application of copayments, coinsurance, and any other cost-
15 sharing charges.

16 (b) "Pharmacy benefit manager" means a person or entity
17 doing business in this state which contracts to administer or
18 manage prescription drug benefits on behalf of a health insurer
19 to residents of this state.

20 (2) A contract between a health insurer and a pharmacy
21 benefit manager must require that the pharmacy benefit manager:

22 (a) Update maximum allowable cost pricing information at
23 least every 7 calendar days.

24 (b) Maintain a process that will, in a timely manner,
25 eliminate drugs from maximum allowable cost lists or modify drug
26 prices to remain consistent with changes in pricing data used in
27 formulating maximum allowable cost prices and product
28 availability.

29 (3) A contract between a health insurer and a pharmacy
30 benefit manager must prohibit the pharmacy benefit manager from
31 limiting a pharmacist's ability to disclose whether the cost-
32 sharing obligation exceeds the retail price for a covered
33 prescription drug, and the availability of a more affordable
34 alternative drug, pursuant to s. 465.0244.

35 (4) A contract between a health insurer and a pharmacy
36 benefit manager must prohibit the pharmacy benefit manager from
37 requiring an insured to make a payment for a prescription drug
38 at the point of sale in an amount that exceeds the lesser of:

39 (a) The applicable cost-sharing amount; or



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40 (b) The retail price of the drug in the absence of
41 prescription drug coverage.

42 (5) This section applies to contracts entered into,
43 modified, amended, altered, or renewed on or after July 1, 2018.

44 Section 6. Section 641.314, Florida Statutes, is created to
45 read:

46 641.314 Pharmacy benefit manager contracts.-

47 (1) As used in this section, the term:

48 (a) "Maximum allowable cost" means the per-unit amount that
49 a pharmacy benefit manager reimburses a pharmacist for a
50 prescription drug, excluding dispensing fees, prior to the
51 application of copayments, coinsurance, and any other cost-
52 sharing charges.

53 (b) "Pharmacy benefit manager" means a person or entity
54 doing business in this state which contracts to administer or
55 manage prescription drug benefits on behalf of a health
56 maintenance organization to residents of this state.

57 (2) A contract between a health maintenance organization
58 and a pharmacy benefit manager must require that the pharmacy
59 benefit manager:

60 (a) Update maximum allowable cost pricing information at
61 least every 7 calendar days.

62 (b) Maintain a process that will, in a timely manner,
63 eliminate drugs from maximum allowable cost lists or modify drug
64 prices to remain consistent with changes in pricing data used in
65 formulating maximum allowable cost prices and product
66 availability.

67 (3) A contract between a health maintenance organization
68 and a pharmacy benefit manager must prohibit the pharmacy



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69 benefit manager from limiting a pharmacist's ability to disclose
70 whether the cost-sharing obligation exceeds the retail price for
71 a covered prescription drug, and the availability of a more
72 affordable alternative drug, pursuant to s. 465.0244.

73 (4) A contract between a health maintenance organization
74 and a pharmacy benefit manager must prohibit the pharmacy
75 benefit manager from requiring a subscriber to make a payment
76 for a prescription drug at the point of sale in an amount that
77 exceeds the lesser of:

78 (a) The applicable cost-sharing amount; or

79 (b) The retail price of the drug in the absence of
80 prescription drug coverage.

81 (5) This section applies to contracts entered into,
82 modified, amended, altered, or