

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Kincart Jonsson offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Paragraph (u) of subsection (1) and paragraph**
8 **(h) of subsection (3) of section 626.8825, Florida Statutes, are**
9 **amended to read:**

10 626.8825 Pharmacy benefit manager transparency and
11 accountability.—

12 (1) DEFINITIONS.—As used in this section, the term:

13 (u) "Pharmacy benefits plan or program" means a plan or
14 program that pays for, reimburses, covers the cost of, or
15 provides access to discounts on pharmacist services provided by

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16 one or more pharmacies to covered persons who reside in, are
17 employed by, or receive pharmacist services from this state.

18 1. The term includes, but is not limited to, health
19 maintenance organizations, health insurers, self-insured
20 employer health plans, discount card programs, and government-
21 funded health plans, including the Statewide Medicaid Managed
22 Care program established pursuant to part IV of chapter 409 and
23 the state group insurance program pursuant to part I of chapter
24 110.

25 2. The term excludes such a plan or program under chapter
26 440 or a plan or program that exclusively serves a PACE
27 organization, as defined in s. 430.84.

28 (3) CONTRACTS BETWEEN A PHARMACY BENEFIT MANAGER AND A
29 PARTICIPATING PHARMACY.—In addition to other requirements in the
30 Florida Insurance Code, a participation contract executed,
31 amended, adjusted, or renewed on or after July 1, 2023, that
32 applies to pharmacist services on or after January 1, 2024,
33 between a pharmacy benefit manager and one or more pharmacies or
34 pharmacists, must include, in substantial form, terms that
35 ensure compliance with all of the following requirements, and
36 that, except to the extent not allowed by law, shall supersede
37 any contractual terms in the participation contract to the
38 contrary:

39 (h) The pharmacy benefit manager shall provide a
40 reasonable administrative appeal procedure to allow a pharmacy

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41 or pharmacist to challenge the maximum allowable cost pricing
42 information and the reimbursement made under the maximum
43 allowable cost as defined in s. 627.64741 for a specific drug as
44 being below the acquisition cost available to the challenging
45 pharmacy or pharmacist.

46 1. The administrative appeal procedure must include a
47 telephone number and e-mail address, or a website, for the
48 purpose of submitting the administrative appeal. The appeal may
49 be submitted by the pharmacy or an agent of the pharmacy
50 directly to the pharmacy benefit manager or through a pharmacy
51 service administration organization. The administrative appeal
52 procedure must allow a pharmacy or pharmacist the option to
53 submit a consolidated administrative appeal representing
54 multiple adjudicated claims that share the same drug and day
55 supply and have a date of service occurring within the same
56 calendar month. The pharmacy or pharmacist must be given at
57 least 30 business days after a maximum allowable cost update or
58 after an adjudication for an electronic claim or reimbursement
59 for a nonelectronic claim to file the administrative appeal.

60 2. The pharmacy benefit manager must respond to the
61 administrative appeal within 30 business days after receipt of
62 the appeal.

63 3. If the appeal is upheld, the pharmacy benefit manager
64 must:

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- 65 a. Update the maximum allowable cost pricing information
66 to at least the acquisition cost available to the pharmacy;
67 b. Permit the pharmacy or pharmacist to reverse and rebill
68 the claim in question;
69 c. Provide to the pharmacy or pharmacist the national drug
70 code on which the increase or change is based; and
71 d. Make the increase or change effective for each
72 similarly situated pharmacy or pharmacist who is subject to the
73 applicable maximum allowable cost pricing information.
- 74 4. If the appeal is denied, the pharmacy benefit manager
75 must provide to the pharmacy or pharmacist the national drug
76 code and the name of the national or regional pharmaceutical
77 wholesalers operating in this state which have the drug
78 currently in stock at a price below the maximum allowable cost
79 pricing information.
- 80 5. Every 90 days, a pharmacy benefit manager shall report
81 to the office the total number of appeals received and denied in
82 the preceding 90-day period, with an explanation or reason for
83 each denial, for each specific drug for which an appeal was
84 submitted pursuant to this paragraph.

85 **Section 2. Subsections (8) and (9) are added to section**
86 **626.8827, Florida Statutes, to read:**

87 626.8827 Pharmacy benefit manager prohibited practices.—In
88 addition to other prohibitions in this part, a pharmacy benefit
89 manager may not do any of the following:

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90 (8) Prohibit or restrict a pharmacy or pharmacist from
91 declining to dispense a drug if the reimbursement rate is less
92 than the actual acquisition cost incurred or would be incurred
93 by the pharmacy or pharmacist.

94 (9) Reimburse a pharmacy or pharmacist less than it
95 reimburses an affiliated pharmacy or pharmacist, as those terms
96 are defined in s. 626.8825.

97 **Section 3.** This act shall take effect July 1, 2026.

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99 -----
100 **T I T L E A M E N D M E N T**

101 Remove everything before the enacting clause and insert:

102 A bill to be entitled

103 An act relating to drug prices and coverage; providing a short
104 title; amending s. 626.8825, F.S.; revising a definition to
105 excluded a plan or program exclusively serving a PACE
106 organization from regulation as a pharmacy benefits plan or
107 program; requiring contracts between pharmacy benefit managers
108 and participating pharmacies to allow a specified option in the
109 administrative appeal procedure; amending s. 626.8827, F.S.;
110 providing pharmacy benefit manager prohibited practices relating
111 to pharmacies and pharmacists; providing an effective date.
112