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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 570 Session of  
2019

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INTRODUCED BY DeLUCA, JAMES, OTTEN, HARKINS, McNEILL, WARREN,  
RABB, KORTZ, BARRAR, CALTAGIRONE, FREEMAN, HILL-EVANS, DEASY,  
McCLINTON AND SIMS, MARCH 7, 2019

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REFERRED TO COMMITTEE ON HEALTH, MARCH 7, 2019

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AN ACT

1 Providing for consumer prescription drug pricing disclosure.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Consumer  
6 Prescription Drug Pricing Disclosure Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Covered entity." A member, participant, enrollee,  
12 contractholder or policyholder providing pharmacy benefits to a  
13 covered individual under a health coverage plan pursuant to a  
14 contract administered by a pharmacy benefit manager.

15 "Covered individual." A member, participant, enrollee,  
16 contractholder or policyholder or beneficiary of a covered  
17 entity who is provided health coverage by the covered entity.

1 The term includes a dependent or other person provided health  
2 coverage through the policy, contract or plan of a covered  
3 individual.

4 "Pharmacist." As defined in section 2(10) of the act of  
5 September 27, 1961 (P.L.1700, No.699), known as the Pharmacy  
6 Act.

7 "Pharmacy." As defined in section 2(12) of the Pharmacy Act.

8 "Pharmacy benefits management." Any of the following:

9 (1) Procurement of prescription drugs at a negotiated  
10 contracted rate for distribution within this Commonwealth to  
11 covered individuals.

12 (2) Administration or management of prescription drug  
13 benefits provided by a covered entity for the benefit of  
14 covered individuals.

15 (3) Administration of pharmacy benefits, including:

16 (i) Operating a mail-service pharmacy.

17 (ii) Claims processing.

18 (iii) Managing a retail pharmacy network management.

19 (iv) Paying claims to pharmacies for prescription  
20 drugs dispensed to covered individuals via retail or  
21 mail-order pharmacy.

22 (v) Developing and managing a clinical formulary,  
23 utilization management and quality assurance programs.

24 (vi) Rebate contracting and administration.

25 (vii) Managing a patient compliance, therapeutic  
26 intervention and generic substitution program.

27 (viii) Operating a disease management program.

28 (ix) Setting pharmacy reimbursement pricing and  
29 methodologies, including maximum allowable cost, and  
30 determining single or multiple source drugs.

1 "Pharmacy benefits manager." A person, business or other  
2 entity that performs pharmacy benefits management.

3 Section 3. Disclosure of prescription drug costs.

4 (a) Information to covered individual.--A pharmacy or  
5 pharmacist shall have the right to provide a covered individual  
6 with information concerning the cost of a prescription drug,  
7 including the individual's cost share.

8 (b) No prohibition or penalization.--A pharmacy, pharmacist  
9 or contracting agent of a pharmacy or pharmacist may not be  
10 prohibited from or penalized by a pharmacy benefits manager for  
11 discussing the information under subsection (a), disclosing the  
12 availability of therapeutically equivalent alternative  
13 medications or selling to the covered individual a more  
14 affordable alternative if an affordable alternative is  
15 available.

16 Section 4. Effective date.

17 This act shall take effect in 60 days.