



Pennsylvania  
Pharmacists  
Association

# Vote Yes on House Bill 943

## Prohibition of Gag Clauses by Pharmacy Benefit Managers

### **STATUS**

House Bill 943, sponsored by Rep. Valerie Gaydos(R-44), was introduced in April, 2019 and unanimously passed the House in November, 2019. The bill is currently in the Senate Health and Human Services committee.

### **SUMMARY**

This bill establishes the freestanding Consumer Prescription Drug Pricing and Freedom Disclosure Act to expand the ability of pharmacists to provide cost-related prescription drug information to patients. HB 943 allows pharmacists to provide a covered individual with information concerning the cost of a prescription drug, including the individual's cost share.

### **BACKGROUND**

Many Pharmacy Benefit Managers (PBMs) and Pharmacy Services Administration Organizations (PSAOs) place gag clauses in their contracts with pharmacists which prohibit pharmacists from speaking freely with their patients regarding drug pricing and cost share as well as alternative drug options. These gag clauses also prohibit a pharmacist from sharing problematic PBM practices with elected officials.

### **SPECIFICS**

- A PBM or PSAO may not prohibit or penalize a pharmacist, pharmacy or its contracting agent from disclosing available information concerning the cost of a prescription drug to a covered individual
- A PBM or PSAO may not prohibit or penalize a pharmacist from disclosing the availability of any therapeutically equivalent alternative medication
- A PBM or PSAO may not prohibit or penalize a pharmacist from selling to the covered individual a more affordable alternative if one is available
- A PBM shall not prohibit, restrict or limit written or oral disclosure of contract information by a pharmacist to any State, county or municipal officials

### **WHY YOU SHOULD SUPPORT**

- Stops the stranglehold PBM's hold over community pharmacists by not allowing them to openly discuss all aspects of the patient's prescription and health
- Stops the PBMs from continuing their bad business practices by not being transparent with taxpayer dollars and restricting pharmacists from disclosure of prescription cost information to both their patients and legislators