



SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 131 be amended to read as follows:

- 1 Page 1, line 5, delete "prescription" and insert "**generic**".
- 2 Page 1, between lines 9 and 10, begin a new paragraph and insert:
- 3 "**Sec. 3. As used in this chapter, "generic drug" has the meaning**
- 4 **set forth in IC 27-1-24.5-4.**".
- 5 Page 1, line 10, delete "Sec. 3." and insert "**Sec. 4.**".
- 6 Page 1, delete line 17, begin a new paragraph and insert:
- 7 "**Sec. 5. As used in this chapter, "maximum allowable cost"**
- 8 **means the maximum amount that a pharmacy benefit manager will**
- 9 **reimburse a pharmacy for the cost of a prescription drug. The**
- 10 **term does not include a dispensing fee or a professional fee.**".
- 11 Page 2, delete lines 1 through 8.
- 12 Page 2, line 9, delete "negotiated" and insert "**maximum allowable**
- 13 **cost**".
- 14 Page 2, line 10, delete "rate".
- 15 Page 2, delete lines 16 through 23, begin a new paragraph and
- 16 insert:
- 17 "**Sec. 1. This chapter applies to an agreement between a**
- 18 **pharmacy benefit manager and a health plan regarding**
- 19 **prescription drugs that is entered into, renewed, or renegotiated**
- 20 **after December 31, 2021. This chapter does not apply to a health**
- 21 **plan, with point of sale rebates, if at least eighty-five percent (85%)**
- 22 **of the estimated rebates are deducted from the cost of prescription**
- 23 **drugs dispensed at a pharmacy or via mail order before a covered**
- 24 **individual's cost sharing requirement is determined.**".
- 25 Page 2, delete lines 41 through 42, begin a new paragraph and
- 26 insert:
- 27 "**Sec. 6. (a) As used in this chapter, "rebate" means a discount**

1 **or other price concession that is:**
2 **(1) based on the use of a prescription drug; and**
3 **(2) paid by a manufacturer or a third party to a pharmacy**
4 **benefit manager (as defined in IC 27-1-24.5-12), pharmacy**
5 **services administrative organization (as defined in**
6 **IC 27-1-24.5-15), or pharmacy (as defined in IC 27-1-24.5-11)**
7 **after a claim has been processed and paid at a pharmacy.**
8 **(b) The term includes an incentive and a disbursement."**
9 Page 3, delete lines 1 through 2.
 (Reference is to SB 131 as printed February 5, 2021.)

Senator BOHACEK