

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 296 (Delegate Shetty, *et al.*)
Health and Government Operations

Health Occupations - Pharmacists - Disclosure of Price and Cost Share for
Prescription Drugs

This bill requires a licensed pharmacist (or designee), at the point of sale, to inform a retail consumer, to the best of the pharmacist's (or designee's) knowledge, of (1) the retail price for the prescription drug and (2) if the consumer has insurance, the cost share for which the consumer is responsible. The State Board of Pharmacy must adopt procedures for (1) a consumer to notify the board when a pharmacist fails to provide the required information and (2) advising a pharmacist to comply with the bill's requirements.

Fiscal Summary

State Effect: The bill does not substantively change State activities or operations.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: A licensed pharmacist must give a patient who requests, in person or by telephone, the current price of a prescription drug or device that the pharmacy offers for sale to the public.

A pharmacist (or designee) must inform a retail consumer, to the best of the pharmacist's (or designee's) knowledge, of (1) the availability of a generically equivalent drug and (2) the approximate cost difference compared to the brand name drug. A pharmacist is exempt from this requirement (1) if a prescription is written for a generic drug; (2) when

the prescriber expressly states that the prescription is to be dispensed only as directed; (3) if the pharmacy primarily serves institutional recipients; or (4) when the cost of the prescription is reimbursed by a third-party payer, including Medicaid.

A pharmacy benefits manager may not prohibit a pharmacy or pharmacist from (1) providing a beneficiary with information regarding the retail price for a prescription drug or the amount of the beneficiary's cost share for the drug; (2) discussing the retail price or cost share with the beneficiary; or (3) if the requirements for a therapeutic interchange are met, selling the more affordable alternative to the beneficiary.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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