J5, J4 4lr2824 CF 4lr2826

By: Senator Lam

Introduced and read first time: January 24, 2024

Assigned to: Finance

## A BILL ENTITLED

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## Health Insurance – Pharmacy Benefits Managers – Specialty Drugs Dispensed by a Physician

- 4 FOR the purpose of prohibiting certain pharmacy benefits managers from requiring a 5 beneficiary to use a specific pharmacy or entity for a specialty drug if the drug is 6 dispensed by a physician, is used in the treatment of a certain condition, and meets 7 other requirements; altering the application to specialty drugs of the prohibition on 8 certain pharmacy benefits managers reimbursing a pharmacy or pharmacist in an 9 amount less than the amount the pharmacy benefits manager reimburses itself or an affiliate for providing the same product or service; and generally relating to 10 11 pharmacy benefits managers and specialty drugs.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Insurance
- 14 Section 15–1611.1 and 15–1612
- 15 Annotated Code of Maryland
- 16 (2017 Replacement Volume and 2023 Supplement)
- 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 18 That the Laws of Maryland read as follows:

## 19 Article – Insurance

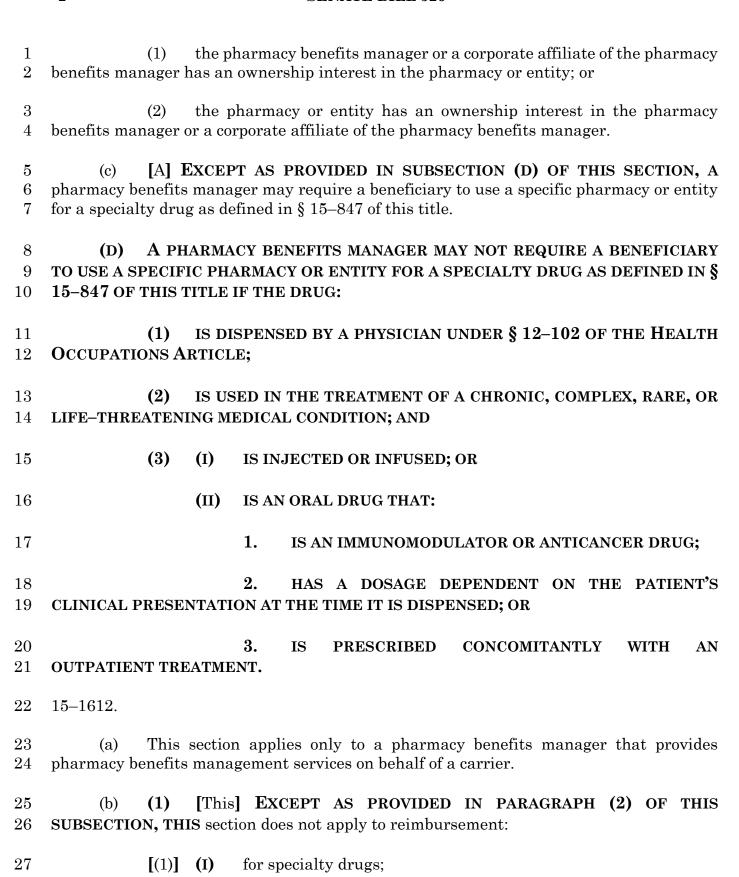
- 20 15–1611.1.
- 21 (a) This section applies only to a pharmacy benefits manager that provides 22 pharmacy benefits management services on behalf of a carrier.
- 23 (b) Except as provided in subsection (c) of this section, a pharmacy benefits 24 manager may not require that a beneficiary use a specific pharmacy or entity to fill a 25 prescription if:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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for mail order drugs; or

[(2)] (II)

- 1 **[**(3)**] (III)** to a chain pharmacy with more than 15 stores or a pharmacist 2 who is an employee of the chain pharmacy.
- 3 (2) This section applies to reimbursement of a specialty Drug, including a specialty drug dispensed by mail order, that meets the Criteria specified under § 15–1611.1(d) of this subtitle.
- 6 (c) A pharmacy benefits manager may not reimburse a pharmacy or pharmacist for a pharmaceutical product or pharmacist service in an amount less than the amount that the pharmacy benefits manager reimburses itself or an affiliate for providing the same product or service.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.