

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 301 Session of 2025

INTRODUCED BY HUGHES, COMMITTA, STREET, HAYWOOD, SCHWANK AND COSTA, FEBRUARY 25, 2025

REFERRED TO BANKING AND INSURANCE, FEBRUARY 25, 2025

AN ACT

1 Amending the act of September 27, 1961 (P.L.1700, No.699),
 2 entitled "An act relating to the regulation of the practice
 3 of pharmacy, including the sales, use and distribution of
 4 drugs and devices at retail; and amending, revising,
 5 consolidating and repealing certain laws relating thereto,"
 6 providing for price disclosure.

7 The General Assembly of the Commonwealth of Pennsylvania
 8 hereby enacts as follows:

9 Section 1. The act of September 27, 1961 (P.L.1700, No.699),
 10 known as the Pharmacy Act, is amended by adding a section to
 11 read:

12 Section 9.6. Price Disclosure.--(a) For every prescription
 13 medication that a consumer intends to purchase, a pharmacy or an
 14 authorized employe of the pharmacy shall, upon request, disclose
 15 the following:

16 (1) The current pharmacy retail price of the brand-name drug
 17 and any generically equivalent drug available at the pharmacy,
 18 where applicable.

19 (2) The consumer's cost-sharing amount of the brand-name
 20 drug and any generically equivalent drug available at the

1 pharmacy, where applicable.

2 (3) Information on where to apply for subsidized health
3 coverage through the Commonwealth's official health insurance
4 exchange, using materials developed by the exchange authority,
5 which shall be made available on the exchange authority's
6 publicly accessible Internet website and shared with the board.

7 (4) A disclaimer, which shall be included with the
8 information required under this section. The disclaimer shall
9 state: "A consumer's health care choices, including whether a
10 particular on-exchange health insurance policy is appropriate
11 for the consumer, should not be based solely on the information
12 provided, but should instead be considered in connection with
13 the consumer's other health care and financial circumstances."

14 (b) A pharmacy shall be required to keep an electronic or
15 paper copy of this section, including any rules and regulations
16 issued under this section, on file. A pharmacy shall post in a
17 conspicuous manner at all locations where prescription
18 medications are sold a notice informing the consumer of the
19 right to request disclosures provided for under this section.
20 The board shall notify each pharmacy of any change to this
21 section and any change to rules and regulations issued under
22 this section. A pharmacy shall have thirty days to update the
23 copy and notice from the date the pharmacy was notified by the
24 board of a change. The board shall furnish each pharmacy with a
25 copy of this section, any rules and regulations issued under
26 this section and the notice as required under this subsection.

27 (c) The notice and disclosure required under subsection (b)
28 shall be presented in a manner that is simple and easy to
29 understand.

30 (d) A pharmacy that fails to comply with the requirements of

1 this section shall be guilty of a summary offense and, upon
2 conviction, shall be sentenced to pay a fine of not more than
3 five hundred dollars (\$500).

4 (e) The board, in consultation with the exchange authority
5 and Insurance Department, as appropriate, shall adopt rules and
6 regulations as necessary to carry out and enforce this section.

7 (f) As used in this section, the following words and phrases
8 shall have the meanings given to them in this subsection unless
9 the context clearly indicates otherwise:

10 (1) "Cost-sharing amount" means the amount owed by a
11 policyholder under the terms of the policyholder's health
12 insurance policy or as required by a pharmacy benefits manager.

13 (2) "Exchange authority" means the Pennsylvania Health
14 Insurance Exchange Authority established under 40 Pa.C.S. § 9302
15 (relating to Pennsylvania Health Insurance Exchange Authority).

16 (3) "Generically equivalent drug" means the term as defined
17 under section 2 of the act of November 24, 1976 (P.L.1163,
18 No.259), referred to as the Generic Equivalent Drug Law.

19 (4) "Health insurance policy" means the term as defined in
20 40 Pa.C.S. § 9103 (relating to definitions).

21 (5) "On-exchange health insurance policy" means a health
22 insurance policy offered for purchase through the health
23 insurance exchange of the Commonwealth operated by the exchange
24 authority.

25 (6) "Pharmacy benefits manager" means the term as defined
26 under section 103 of the act of November 21, 2016 (P.L.1318,
27 No.169), known as the "Pharmacy Audit Integrity and Transparency
28 Act."

29 (7) "Pharmacy retail price" means the price that an
30 individual without prescription drug coverage or not using any

1 other prescription medication benefit or discount would pay at a
2 retail pharmacy, not including a pharmacist dispensing fee.

3 Section 2. This act shall take effect as follows:

4 (1) The following shall take effect immediately:

5 Section 9.6(e) and (f) of this act.

6 This section.

7 (2) The remainder of this act shall take effect in one
8 year.