



General Assembly

January Session, 2017

Committee Bill No. 445

LCO No. 5641



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

**AN ACT CONCERNING FAIRNESS IN PHARMACY BENEFIT
MANAGER CONTRACTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2017*) (a) On and after January
2 1, 2018, no contract entered into in the state between a health carrier, as
3 defined in section 38a-591a of the general statutes, pharmacy benefit
4 manager or any other entity and a pharmacist shall contain a provision
5 prohibiting the pharmacist from disclosing any relevant information to
6 an individual purchasing prescription medication, including, but not
7 limited to, the cost of the prescription medication, actual
8 reimbursement to the pharmacist for the sale of the prescription
9 medication, efficacy of the prescription medication and the availability
10 of any alternative medications that are less expensive than the
11 prescription medication.

12 (b) On and after January 1, 2018, no individual in the state shall be
13 required to make a payment for the services of a pharmacist or
14 pharmacy in an amount greater than the pharmacist or pharmacy may
15 retain for such services from all payment sources.

16 (c) Any provision of a contract that violates the provisions of this
17 section shall be unenforceable and constitute an unfair trade practice
18 pursuant to chapter 735a of the general statutes.

19 Sec. 2. (*Effective October 1, 2017*) (a) A pharmacy benefits manager, as
20 defined in section 38a-479aaa of the general statutes, shall owe a
21 fiduciary duty to a health carrier, as defined in section 38a-591a of the
22 general statutes, or other health benefit plan sponsor, including, but
23 not limited to, an employer or third-party administrator, and shall
24 discharge such duty in accordance with the provisions of state and
25 federal law.

26 (b) A pharmacy benefits manager shall perform its duties with care,
27 skill, prudence and diligence and in accordance with the standards of
28 conduct applicable to a fiduciary in an enterprise of a like character
29 and with like aims.

30 (c) A pharmacy benefits manager shall notify the health carrier or
31 other health benefit plan sponsor in writing of any activity, policy or
32 practice of the pharmacy benefits manager that directly or indirectly
33 presents any conflict of interest with the duties imposed by this
34 section.

35 Sec. 3. (NEW) (*Effective October 1, 2017*) Each section, subsection,
36 subdivision, subparagraph, clause, provision or portion of this act or
37 any subsequent amendment to any such section, subsection,
38 subdivision, subparagraph, clause, provision or portion of this act shall
39 be construed as separable and severable from all other sections,
40 subsections, subdivisions, subparagraphs, clauses, provisions or
41 portions of this act. If any provision of this act, as amended, or its
42 application to any person or circumstance is held invalid, such
43 invalidity shall not affect other provisions or applications of this act, as
44 amended.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	New section
Sec. 2	<i>October 1, 2017</i>	New section
Sec. 3	<i>October 1, 2017</i>	New section

Statement of Purpose:

To increase public and government knowledge of pharmaceutical prices.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. FASANO, 34th Dist.

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