AN ACT CONCERNING FAIRNESS IN PHARMACY BENEFIT MANAGER CONTRACTS.

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

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

(b) On and after January 1, 2018, no individual in the state shall be required to make a payment for the services of a pharmacist or pharmacy in an amount greater than the pharmacist or pharmacy may retain for such services from all payment sources.
(c) Any provision of a contract that violates the provisions of this section shall be unenforceable and constitute an unfair trade practice pursuant to chapter 735a of the general statutes.

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

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

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

Sec. 3. (NEW) (Effective October 1, 2017) Each section, subsection, subdivision, subparagraph, clause, provision or portion of this act or any subsequent amendment to any such section, subsection, subdivision, subparagraph, clause, provision or portion of this act shall be construed as separable and severable from all other sections, subsections, subdivisions, subparagraphs, clauses, provisions or portions of this act. If any provision of this act, as amended, or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act, as amended.
This act shall take effect as follows and shall amend the following sections:

<table>
<thead>
<tr>
<th>Section</th>
<th>Effective Date</th>
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<tbody>
<tr>
<td>Section 1</td>
<td>October 1, 2017</td>
<td>New section</td>
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<tr>
<td>Sec. 2</td>
<td>October 1, 2017</td>
<td>New section</td>
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<tr>
<td>Sec. 3</td>
<td>October 1, 2017</td>
<td>New section</td>
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</tbody>
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**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.

S.B. 445