

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 133**  
**HOUSE BILL 2107**

AN ACT

AMENDING TITLE 44, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10.1; RELATING TO PHARMACY BENEFITS MANAGERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 11, Arizona Revised Statutes, is  
3 amended by adding article 10.1, to read:

4 ARTICLE 10.1. PHARMACY BENEFIT MANAGERS

5 44-1751. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "COST SHARE" MEANS AN ENROLLEE'S APPLICABLE COINSURANCE,  
8 COPAYMENT AND DEDUCTIBLE REQUIREMENT UNDER A HEALTH PLAN BASED ON THE  
9 ADJUDICATED CLAIM.

10 2. "PHARMACY BENEFITS MANAGER" HAS THE SAME MEANING PRESCRIBED IN  
11 SECTION 20-3321.

12 44-1752. Pharmacy benefits managers; prohibitions;  
13 applicability

14 A. A PHARMACY BENEFITS MANAGER MAY NOT DO ANY OF THE FOLLOWING:

15 1. PROHIBIT A PHARMACIST OR PHARMACY FROM PROVIDING AN INSURED  
16 INDIVIDUAL INFORMATION ON THE AMOUNT OF THE INSURED'S COST SHARE FOR THE  
17 INSURED'S PRESCRIPTION DRUG AND THE CLINICAL EFFICACY OF A MORE AFFORDABLE  
18 ALTERNATIVE DRUG IF ONE IS AVAILABLE. A PHARMACY BENEFITS MANAGER MAY NOT  
19 PENALIZE A PHARMACY OR PHARMACIST FOR DISCLOSING SUCH INFORMATION TO AN  
20 INSURED OR FOR SELLING TO AN INSURED A MORE AFFORDABLE ALTERNATIVE IF ONE  
21 IS AVAILABLE.

22 2. REQUIRE A PHARMACIST OR PHARMACY TO CHARGE OR COLLECT FROM AN  
23 INSURED A COPAYMENT THAT EXCEEDS THE TOTAL SUBMITTED CHARGES BY THE  
24 NETWORK PHARMACY.

25 B. TO THE EXTENT THAT ANY PROVISION OF THIS SECTION IS INCONSISTENT  
26 OR CONFLICTS WITH AN APPLICABLE FEDERAL LAW, RULE OR REGULATION, THE  
27 APPLICABLE FEDERAL LAW, RULE OR REGULATION APPLIES.

28 C. THIS SECTION APPLIES TO ALL CONTRACTS BETWEEN A PHARMACY  
29 BENEFITS MANAGER AND A PHARMACY OR A PHARMACY'S CONTRACTING REPRESENTATIVE  
30 OR AGENT THAT ARE ENTERED INTO OR RENEWED ON OR AFTER THE EFFECTIVE DATE  
31 OF THIS SECTION.

32 Sec. 2. Short title

33 This act may be cited as the "Prescription Drug Pricing Patient  
34 Protection Act".

APPROVED BY THE GOVERNOR APRIL 5, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2018.