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

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

ARTICLE 10.1. PHARMACY BENEFIT MANAGERS

44-1751. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

44-1752. Pharmacy benefits managers; prohibitions; applicability

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

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

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

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

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

Sec. 2. Short title

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

APPROVED BY THE GOVERNOR APRIL 5, 2018.