

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 75
HOUSE BILL 2166

AN ACT

AMENDING TITLE 20, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 20-1126; RELATING TO INSURANCE COST SHARING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 20, chapter 5, article 1, Arizona Revised
3 Statutes, is amended by adding section 20-1126, to read:
4 20-1126. Health care insurers; pharmacy benefits managers;
5 cost sharing; calculation; definitions
6 A. WHEN CALCULATING AN ENROLLEE'S CONTRIBUTION TO ANY OUT-OF-POCKET
7 MAXIMUM, DEDUCTIBLE, COPAYMENT, COINSURANCE OR OTHER APPLICABLE COST
8 SHARING REQUIREMENT, THE HEALTH CARE INSURER THAT PROVIDES PHARMACY
9 BENEFITS OR A PHARMACY BENEFITS MANAGER THAT ADMINISTERS PHARMACY BENEFITS
10 FOR A HEALTH CARE INSURER SHALL INCLUDE ANY COST SHARING AMOUNT PAID BY
11 EITHER THE ENROLLEE OR ANOTHER PERSON ON BEHALF OF THE ENROLLEE FOR A
12 PRESCRIPTION DRUG THAT IS EITHER:
13 1. WITHOUT A GENERIC EQUIVALENT.
14 2. WITH A GENERIC EQUIVALENT WHERE THE ENROLLEE HAS OBTAINED ACCESS
15 TO THE PRESCRIPTION DRUG THROUGH ANY OF THE FOLLOWING:
16 (a) PRIOR AUTHORIZATION.
17 (b) A STEP THERAPY PROTOCOL.
18 (c) THE HEALTH CARE INSURER'S EXCEPTIONS AND APPEALS PROCESS.
19 B. FOR THE PURPOSES OF THIS SECTION:
20 1. "GENERIC EQUIVALENT":
21 (a) MEANS A DRUG THAT HAS AN IDENTICAL AMOUNT OF THE SAME ACTIVE
22 CHEMICAL INGREDIENTS IN THE SAME DOSAGE FORM, THAT MEETS APPLICABLE
23 STANDARDS OF STRENGTH, QUALITY AND PURITY ACCORDING TO THE UNITED STATES
24 PHARMACOPEIA OR OTHER NATIONALLY RECOGNIZED COMPENDIUM AND THAT, IF
25 ADMINISTERED IN THE SAME AMOUNTS, WILL PROVIDE COMPARABLE THERAPEUTIC
26 EFFECTS.
27 (b) DOES NOT INCLUDE A DRUG THAT IS LISTED BY THE UNITED STATES
28 FOOD AND DRUG ADMINISTRATION AS HAVING UNRESOLVED BIOEQUIVALENCE CONCERNS
29 ACCORDING TO THE ADMINISTRATION'S MOST RECENT PUBLICATION OF APPROVED DRUG
30 PRODUCTS WITH THERAPEUTIC EQUIVALENCE EVALUATIONS.
31 2. "HEALTH CARE INSURER" HAS THE SAME MEANING PRESCRIBED IN SECTION
32 20-1379.
33 Sec. 2. Effective date
34 Section 20-1126, Arizona Revised Statutes, as added by this act, is
35 effective from and after December 31, 2019.

APPROVED BY THE GOVERNOR APRIL 11, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2019.