

REFERENCE TITLE: **prescription drugs; price limits**

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1403

Introduced by
Senators Burch: Alston, Epstein, Fernandez, Gabaldón, Kuby

AN ACT

**AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 42;
RELATING TO PRESCRIPTION DRUGS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 42, to read:

4 CHAPTER 42

5 PRESCRIPTION DRUGS

6 ARTICLE 1. GENERAL PROVISIONS

7 36-4201. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "MAXIMUM FAIR PRICE" MEANS THE MAXIMUM FAIR PRICE FOR A DRUG AS
10 PUBLISHED BY THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES
11 PURSUANT TO 42 UNITED STATES CODE SECTION 1320f-4.

12 2. "PRICE APPLICABILITY PERIOD" HAS THE SAME MEANING PRESCRIBED IN
13 42 UNITED STATE CODE SECTION 1320f(b)(2).

14 3. "REFERENCED DRUG" MEANS A DRUG THAT IS SUBJECT TO A MAXIMUM FAIR
15 PRICE.

16 36-4202. Limit on drug pricing; violations; remedies

17 A. A PERSON OR ENTITY THAT PURCHASES A REFERENCED DRUG IN THIS
18 STATE MAY NOT PAY A PRICE FOR THE REFERENCED DRUG THAT, EXCLUDING ANY FEE
19 PAID TO A PHARMACY FOR DISPENSING THE REFERENCED DRUG, IS HIGHER THAN THE
20 MAXIMUM FAIR PRICE FOR THAT REFERENCED DRUG DURING THE PRICE APPLICABILITY
21 PERIOD.

22 B. A PERSON OR ENTITY THAT SEEKS REIMBURSEMENT FOR A REFERENCED
23 DRUG THAT IS DELIVERED, DISPENSED OR ADMINISTERED TO A PERSON IN THIS
24 STATE MAY NOT SEEK REIMBURSEMENT FOR THE REFERENCED DRUG AT A RATE THAT,
25 EXCLUDING ANY FEE PAID TO A PHARMACY FOR DISPENSING THE REFERENCED DRUG,
26 IS HIGHER THAN THE MAXIMUM FAIR PRICE FOR THAT REFERENCED DRUG DURING THE
27 PRICE APPLICABILITY PERIOD.

28 C. A VIOLATION OF SUBSECTION A OR B OF THIS SECTION BY ANY PERSON
29 CONSTITUTES AN UNLAWFUL PRACTICE PURSUANT TO SECTION 44-1522 AND IS
30 SUBJECT TO ENFORCEMENT BY THE ATTORNEY GENERAL. EACH VIOLATION OF
31 SUBSECTION A OR B OF THIS SECTION CONSTITUTES A SEPARATE UNLAWFUL
32 PRACTICE. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE APPROPRIATE
33 ACTION PURSUANT TO TITLE 44, CHAPTER 10, ARTICLE 7.

34 D. IN ADDITION TO THE REMEDIES SPECIFIED IN SUBSECTION C OF THIS
35 SECTION, A PERSON WHO IS AGGRIEVED BY A VIOLATION OF SUBSECTION A OR B OF
36 THIS SECTION MAY BRING A PRIVATE ACTION FOR CONSUMER FRAUD.