
~~C Failure of a pharmacy benefit manager to satisfy the duties established in this Section shall not create a separate or independent cause of action nor shall it be construed to prohibit any cause of action established by or recognized in federal or state law be a violation of the Unfair Trade Practices and Consumer Protection Law provided for in R.S. 51:1401.~~

Section 3. The provisions of Section 1 of this Act shall be retroactive to January 1, 2026.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 919 Reengrossed

2026 Regular Session

Echols

Abstract: Requires pharmacy benefit managers (PBMs) to take certain actions.

Present law provides for a PBM rebate retention restrictions and fee disclosures.

Proposed law requires PBMs to reimburse independent pharmacies and pharmacists for under-reimbursed dispensing fees.

Proposed law mandates that PBMs bear all costs of reimbursements and prohibits passing those costs to plans, members, pharmacies, or pharmacists.

Proposed law prohibits reimbursement below the most recent National Average Drug Acquisition Cost (NADAC) plus the state dispensing fee or wholesale acquisition cost plus the state dispensing fee when NADAC is unavailable. Proposed law further provides that the state dispensing fee is equal to the Louisiana Medicaid dispensing fee adjusted for inflation.

Present law requires annual transparency reports from PBMs.

Proposed law requires PBMs to disclose foreign subsidiaries as part of the transparency report required by present law.

Present law requires PBMs to owe beneficiaries and contracted entities duties of good faith, honesty, trust, confidence, and candor.

Proposed law establishes a fiduciary duty requiring PBMs to act in good faith, with honesty, and in the best interests of beneficiaries and contracted entities.

Proposed law adds that pharmacy benefit managers owe a fiduciary duty to beneficiaries and shall discharge the fiduciary duty in accordance with present law.

Present law requires PBMs to perform their duties with a high degree of care, skill, prudence, and diligence consistent with experienced and reasonable industry standards.

Proposed law adds that PBMs are required to perform their duties as fiduciaries in a similar manner to other large enterprises.

Proposed law requires PBMs to disclose conflicts of interest to beneficiaries and contracted entities.

Proposed law requires PBMs to pass through any volume-based payments or benefits received from drug sales to covered entities.

Proposed law mandates full disclosure of all financial arrangements with drug manufacturers including fees, rebates, and pricing programs subject to confidentiality protections.

Present law provides that failure to meet these duties does not create a separate cause of action but does not limit other remedies available under state or federal law.

Proposed law modifies present law authorizing a cause of action for failing to satisfy the duties of present law.

(Amends R.S. 40:2864; Adds R.S. 22:1868(D) and 1870(B)(1)(i))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Clarify that if a pharmacy benefit manager fails to fulfill its duties, an entity may have a cause of action against the pharmacy benefit manager.
2. Remove prohibition on pharmacy benefit manager-owned pharmacies.
3. Provide that a pharmacy benefit manager shall reimburse an independent pharmacy with a physical location no less than \$12 as a professional dispensing fee.
4. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Provide that state professional dispensing fees shall equal the fees established by Medicaid adjusted for inflation.
2. Remove criminal penalties and unlimited liability for PBM executives.
3. Modify the retroactivity provision to establish that the provisions of proposed law would apply back to January 1, 2026.
4. Remove effective date and severability clause.