

2024 Regular Session

SENATE BILL NO. 444

BY SENATORS JACKSON-ANDREWS, ABRAHAM, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, EDMONDS, FESI, FIELDS, HARRIS, HENRY, KLEINPETER, LAMBERT, MIGUEZ, MORRIS, OWEN, REESE, STINE, TALBOT, WHEAT AND WOMACK

PHARMACEUTICALS. Provides relative to pharmaceutical reimbursements. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 22:1865(E) and to enact R.S. 22:1860.3(E), relative to  
3 pharmaceutical reimbursements; to provide relative to reimbursement by pharmacy  
4 benefit managers; to provide relative to appeals; to provide for information provided  
5 to the commissioner of insurance; to provide for an effective date; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1865(E) is hereby amended and reenacted and R.S. 22:1860.3(E)  
9 is hereby enacted to read as follows:

10 §1860.3. Reimbursements

11 \* \* \*

12 **E. Notwithstanding any provision of the law to the contrary, effective**  
13 **January 1, 2025, no pharmacy benefit manager or person acting on behalf of a**  
14 **pharmacy benefit manager shall reimburse a pharmacy or pharmacist in this**  
15 **state an amount less than the acquisition cost for the covered drug, device, or**  
16 **service. The provisions of this Subsection shall apply to only a contracted**  
17 **pharmacist or pharmacy that does not own more than five shares or a five**

1 **percent interest in a pharmaceutical wholesale group purchasing organization**  
2 **or vendor of any covered drug, device, or service.**

3 \* \* \*

4 §1865. Appeals

5 \* \* \*

6 E. For every drug for which the pharmacy benefit manager establishes a  
7 maximum allowable cost to determine the drug product reimbursement, the  
8 pharmacy benefit manager shall ~~make available to the commissioner, upon request,~~  
9 **provide** information that is needed to resolve the complaint **to the commissioner.**

10 If the commissioner is unable to obtain information from the pharmacy benefit  
11 manager that is necessary to resolve the complaint, the reimbursement amount  
12 requested in the pharmacist's appeal shall be granted.

13 \* \* \*

14 Section 2. This Act shall become effective upon signature by the governor or, if not  
15 signed by the governor, upon expiration of the time for bills to become law without signature  
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
18 effective on the day following such approval.

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The original instrument was prepared by Amanda Trapp. The following digest, which does not constitute a part of the legislative instrument, was prepared by Brandi Cannon.

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DIGEST

SB 444 Reengrossed                      2024 Regular Session                      Jackson-Andrews

Present law provides certain reimbursement requirements and prohibitions for pharmacy benefit managers or persons acting on behalf of a pharmacy benefit manager.

Proposed law prohibits pharmacy benefit managers or persons acting on behalf of pharmacy benefit managers from reimbursing a pharmacy or pharmacist in this state an amount less than the acquisition cost for any covered drug, device, or service. Proposed law applies to only a contracted pharmacist or pharmacy that does not own more than five shares or a five percent interest in a pharmaceutical wholesale group purchasing organization or vendor of any covered drug, device, or service.

Present law establishes an administrative appeal procedure for pharmacies to challenge reimbursement received from a pharmacy benefit manager and requires the pharmacy benefit manager to make certain information available to the commissioner of insurance upon

request.

Proposed law requires the pharmacy benefit manager to provide the information to the commissioner without a request from the commissioner.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 22:1865(E); adds R.S. 22:1860.3(E))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Limit applicability of proposed law requiring a minimum reimbursement rate.