

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 AND REPRESENTATIVES ADAMS, AMEDEE, BACALA, BAGLEY, BRYANT, CARRIER, CHASSION, COATES, COX, DEVILLIER, DEWITT, EDMONSTON, EGAN, EMERSON, FIRMENT, FISHER, FREIBERG, JACKSON, MIKE JOHNSON, TRAVIS JOHNSON, LARVADAIN, MCCORMICK, MCMAHEN, MCMAKIN, MILLER, NEWELL, OWEN, PHELPS, SCHLEGEL, THOMPSON, TURNER, WILDER AND WILEY

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 relative to the office of group benefits;
6 to require reporting; to provide for an effective date; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

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

11 §1860.3. Reimbursements

12 * * *

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

21 * * *

22 §1865. Appeals

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

* * *

E. For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall ~~make available to the commissioner, upon request,~~ **provide** information that is needed to resolve the complaint **to the commissioner.** If the commissioner is unable to obtain information from the pharmacy benefit manager that is necessary to resolve the complaint, the reimbursement amount requested in the pharmacist's appeal shall be granted.

* * *

Section 2. The provisions of this Act shall not apply to the office of group benefits programs; however, the office of group benefits shall report to the House Committee on Insurance and Senate Committee on Insurance regarding the matters of this Act on or before March 31, 2025.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____