RÉSUMÉ DIGEST

ACT 913 (HB 1236) **2026 Regular Session** **Dewitt**

Existing law prohibits a pharmacy benefit manager (PBM), or any entity acting on behalf of a PBM, from reimbursing a contracted or local pharmacy or pharmacist in this state in an amount less than the pharmacy's acquisition cost for a covered drug, device, or service.

Existing law provides for definitions and an appeals process through which pharmacists may challenge claim payment errors.

New law retains existing law.

New law redefines "acquisition cost" to mean the amount actually paid by a local pharmacy to purchase a prescription drug or device as documented by invoice and establishing that such cost not be less than the National Average Drug Acquisition Cost (NADAC), when available, and further provides that such cost not be determined at the sole discretion of a PBM.

New law revises the definition of "reimbursement formula" to provide for a calculation consisting of an ingredient price based on a prescription drug pricing benchmark, an adjustment factor, and a professional dispensing fee, and further provides for a definition of "professional dispensing fee" to include costs associated with the pharmacist's professional services and the act of dispensing a prescription drug.

New law requires PBMs to adopt a reimbursement formula utilizing NADAC, wholesale acquisition cost, or an alternative benchmark approved by the commissioner of insurance (commissioner), and to implement an adjustment factor reasonably expected to result in a claim payment error rate of no more than two percent per drug.

New law requires inclusion of a professional dispensing fee in the reimbursement formula and further provides that such fee must reflect the actual costs of professional services and dispensing. New law further provides that the professional dispensing fee is a non-recoverable cost and prohibits a PBM from collecting, recouping, or recovering the fee from any pharmacy, pharmacist, or member.

New law retains existing law regarding the appeals process but requires that a pharmacy include a wholesaler invoice identifying the drug, national drug code, purchase date, and cost when filing an appeal, and requires the PBM to make an additional payment when a claim payment error results in reimbursement below acquisition cost.

New law further prohibits a PBM from amending or changing the amount a prescription drug consumer is required to pay for an out-of-pocket cost share or expense.

New law authorizes the commissioner to require submission of claims-level data, including reimbursement amounts, dispensing fees, and adjustments, for purposes of verifying compliance.

New law provides for prospective and retroactive application and requires that the reimbursement formula, including a professional dispensing fee of not less than $9, be applied retroactively to Jan. 1, 2026, upon reprocessing of applicable claims.

New law repeals prior law (R.S. 22:1868(B)(2)).

Effective upon signature of governor (June 12, 2026).

(Amends R.S. 22:1868(B)(intro. para.), (1), and (4) and (C)(1), (2), and (3)(c) and (d); Adds R.S. 22:1868(B)(5), (D), and (E); Repeals R.S. 22:1868(B)(2))