

2018 Regular Session

SENATE BILL NO. 324

BY SENATOR MILLS

INSURANCE COMMISSIONER. Provides relative to limitations on contracts with pharmacies. (1/1/19)

1 AN ACT

2 To amend and reenact R.S. 22:1060.6(B), relative to pharmacies and pharmacists; to provide

3 limitations on contracts between pharmacies and pharmacists and certain other

4 entities; to prohibit certain restrictions from being included in the contracts; to

5 provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1060.6(B) is hereby amended and reenacted to read as follows:

8 §1060.6. Limitation; patient payment; **prohibited acts**

9 \* \* \*

10 B. ~~The provision established in Subsection A of this Section shall become~~

11 ~~effective on January 1, 2017. **No contract entered into in this state between an**~~

12 ~~**insurer, a pharmacy benefit manager, or any other entity and a pharmacist or**~~

13 ~~**pharmacy shall contain a provision prohibiting the pharmacist from disclosing**~~

14 ~~**any relevant information to an individual purchasing prescription medication,**~~

15 ~~**including but not limited to the cost of the prescription medication, actual**~~

16 ~~**reimbursement to the pharmacist for the sale of the prescription medication,**~~

17 ~~**efficacy of the prescription medication, and the availability of any alternative**~~

1           **medications that are less expensive than the prescription medication.**  
2                   **C. Any provision of a contract that violates the provisions of this Section**  
3           **shall be unenforceable and constitute an unfair or deceptive act pursuant to**  
4           **R.S. 22:1961 et seq.**

5           Section 2. This Act shall become effective on January 1, 2019.

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by LG Sullivan.

---

	DIGEST	
SB 324 Original	2018 Regular Session	Mills

Present law prohibits an individual from being required to make a payment for pharmacists' services in an amount greater than the amount the pharmacist or pharmacy providing the pharmacists' services may retain from all payment sources.

Proposed law retains present law.

Proposed law prohibits any contract entered into in this state between an insurer, a pharmacy benefit manager, or any other entity and a pharmacist or pharmacy from containing a provision prohibiting the pharmacist from disclosing any relevant information to an individual purchasing prescription medication. Further provides that any provision of a contract which violates the provisions of proposed law shall be unenforceable and constitutes an unfair trade practice pursuant to present law.

Effective January 1, 2019.

(Amends R.S. 22:1060.6(B))