

SENATE BILL NO. 241

BY SENATORS MORRELL, BARROW, LUNEAU, MILLS, PERRY AND PRICE

1 AN ACT

2 To amend and reenact R.S. 22:1657 and to enact R.S. 37:1219, relative to pharmacist  
3 communication with patients; to provide for cost options regarding prescription  
4 drugs; to provide for immunity; to provide for prohibited contract clauses; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1657 is hereby amended and reenacted to read as follows:

8 §1657. Pharmacy benefit managers

9 A. A pharmacy benefit manager shall be deemed to be a third-party  
10 administrator for purposes of this Part. As such, all provisions of this Part shall apply  
11 to pharmacy benefit managers; however, notwithstanding the provisions of R.S.  
12 22:1651(F), every pharmacy benefit manager shall be required to be licensed by the  
13 commissioner of insurance.

14 **B.(1) No pharmacy benefit manager or other entity that administers**  
15 **prescription drug benefits in Louisiana shall prohibit, by contract, a pharmacy**  
16 **or pharmacist from informing a patient of all relevant options when acquiring**  
17 **their prescription medication, including but not limited to the cost and clinical**  
18 **efficacy of a more affordable alternative if one is available and the ability to pay**  
19 **cash if a cash payment for the same drug is less than an insurance copayment**  
20 **or deductible payment amount.**

21 **(2) On or after August 1, 2018, any contract provision prohibiting the**  
22 **communication provided for in this Subsection shall be severable from the**  
23 **contract and considered void and not enforceable in Louisiana.**

24 Section 2. R.S. 37:1219 is hereby enacted to read as follows:

1            §1219. Affordable alternative options to prescription drugs

2                    A. Pharmacists may provide sufficient information to a patient to allow  
3                    him an opportunity to consider all relevant options when acquiring prescription  
4                    medication, including but not limited to the cost and clinical efficacy of a more  
5                    affordable alternative if one is available and the ability to pay cash if a cash  
6                    payment for the same drug is less than an insurance copayment or deductible  
7                    payment amount.

8                    B. Failure to comply with this Section shall not constitute a violation of  
9                    a pharmacist's standard of care regarding the patient. No pharmacist shall be  
10                   penalized by the board or any third party for failure to comply with the  
11                   provisions of this Section.

12                   C.(1) No pharmacy or pharmacist shall be bound to terms of a contract  
13                   with a pharmacy benefit manager or other entity that administers prescription  
14                   drug benefits that prevent disclosure of the information provided for in this  
15                   Section.

16                   (2) On or after August 1, 2018, any contract provision prohibiting the  
17                   communication provided for in this Section shall be severable from the contract  
18                   and considered void and not enforceable in Louisiana.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_