
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 547 Original

2018 Regular Session

LeBas

Abstract: Bans the practice known informally as the "gag rule on pharmacists" by prohibiting penalties on pharmacists for disclosure of certain information on the cost of prescription drugs.

Proposed law prohibits health insurers and pharmacy benefit managers from offering or agreeing to a contract provision which penalizes a pharmacy or pharmacist for disclosing information to a customer regarding any of the following:

- (1) The cost of a prescription medication to the customer.
- (2) The availability of any therapeutically equivalent alternative medication or alternative methods of purchasing the prescription medication, including, without limitation, paying a cash price, that are less expensive to the customer than the cost of the prescription medication.

Proposed law establishes that a contract provision penalizes a pharmacy or pharmacist if it prohibits the disclosure authorized in proposed law or disadvantages a pharmacy or pharmacist that makes such a disclosure.

Proposed law prohibits health insurers and pharmacy benefit managers from requiring an individual to make a payment at the point of sale for a covered prescription medication in an amount in excess of the least of the following amounts:

- (1) The applicable copayment for the prescription medication.
- (2) The allowable claim amount for the prescription medication.
- (3) The amount that an individual would pay for the prescription medication if he purchased the medication without using a health plan or any other source of prescription medication benefits or discounts.

Proposed law stipulates that any provision of a contract that violates the prohibition established in proposed law shall be void and unenforceable, and shall constitute an unfair trade practice pursuant to present law.

Proposed law requires the commissioner of insurance to enforce the provisions of proposed law.

Provides that after receiving a properly submitted request, the commissioner may audit a pharmacy services contract for compliance with the provisions of proposed law.

(Adds R.S. 22:1019.11-1019.13)