

**HOUSE COMMITTEE AMENDMENTS**

2019 Regular Session

Amendments proposed by House Committee on Health and Welfare to Reengrossed Senate Bill No. 41 by Senator Mills

1 AMENDMENT NO. 1

2 On page 2, line 13, after "**the pharmacy**" delete the remainder of the line and insert in lieu  
3 thereof "**or its agent.**"

4 AMENDMENT NO. 2

5 On page 2, delete line 14 in its entirety and insert in lieu thereof "**A pharmacy benefit**  
6 **manager may use**"

7 AMENDMENT NO. 3

8 On page 2, at the end of line 16, change "**R.S. 46:460.36(A)(3).**" to "**R.S. 46:460.36(A).**"

9 AMENDMENT NO. 4

10 On page 3, line 6, after "**(4)**" and before "**aggregate**" delete "**The**" and insert in lieu thereof  
11 "**Indicative of the**"

12 AMENDMENT NO. 5

13 On page 3, at the end of line 12, insert a comma "," and "**as provided in R.S. 40:2870(B).**"

14 AMENDMENT NO. 6

15 On page 4, line 3, delete "**shall have the authority to**" and insert in lieu thereof "**may**"

16 AMENDMENT NO. 7

17 On page 4, delete lines 6 and 7 in their entirety and insert in lieu thereof the following:

18 **"C. The board shall assess fees in accordance with R.S. 37:1184 upon**  
19 **any pharmacy benefit manager that engages in the practice of pharmacy in this**  
20 **state.**"

21 AMENDMENT NO. 8

22 On page 4, delete line 9 in its entirety and insert in lieu thereof "**The board shall enforce**  
23 **the provisions of this Part as**"

24 AMENDMENT NO. 9

25 On page 5, line 13, delete "**or**" and insert in lieu thereof "**and**"

26 AMENDMENT NO. 10

27 On page 5, line 14, delete "**means**" and insert in lieu thereof "**mean**"

28 AMENDMENT NO. 11

29 On page 5, line 17, delete "**or "PBM" means**" and insert in lieu thereof "**and "PBM"**  
30 **mean**"

1 AMENDMENT NO. 12

2 On page 6, line 3, delete "**programs**" and insert in lieu thereof "**plans**"

3 AMENDMENT NO. 13

4 On page 6, at the beginning of line 18, change "**D.**" to "**D.(1)**"

5 AMENDMENT NO. 14

6 On page 6, at the beginning of line 19, change "**(1)**" to "**(2)**"

7 AMENDMENT NO. 15

8 On page 6, at the beginning of line 21, change "**(2)**" to "**(3)**"

9 AMENDMENT NO. 16

10 On page 6, at the beginning of line 25, change "**(3)**" to "**(4)**"

11 AMENDMENT NO. 17

12 On page 7, line 14, delete "**the insurance commissioner and**"

13 AMENDMENT NO. 18

14 On page 7, line 26, delete "**A**" and insert in lieu thereof "**For purposes of this Subsection.**"

15 AMENDMENT NO. 19

16 On page 7, line 28, delete "**healthcare**" and insert in lieu thereof "**health care**"

17 AMENDMENT NO. 20

18 On page 8, line 2, delete "**A**" and insert in lieu thereof "**For purposes of this Subsection.**"

19 AMENDMENT NO. 21

20 On page 8, line 5, delete "**Drug formulary**" and insert in lieu thereof "**A drug formulary**"

21 AMENDMENT NO. 22

22 On page 8, line 7, delete "**A**" and insert in lieu thereof "**For purposes of this Subsection.**"

23 AMENDMENT NO. 23

24 On page 8, line 9, delete "**over the counter**" and insert in lieu thereof "**over-the-counter**"

25 AMENDMENT NO. 24

26 On page 8, line 10, delete "**A**" and insert in lieu thereof "**For purposes of this Subsection.**"

27 AMENDMENT NO. 25

28 On page 8, line 15, after "**requests.**" delete "**Processing**" and insert in lieu thereof "**For**  
29 **purposes of this Subsection, "processing"**"

1 AMENDMENT NO. 26

2 On page 8, line 20, after "services." delete "Quality" and insert in lieu thereof "For  
3 purposes of this Subsection, quality"

4 AMENDMENT NO. 27

5 On page 8, line 23, delete "Food and Drug Administration (FDA)" and insert in lieu  
6 thereof "United States Food and Drug Administration"

7 AMENDMENT NO. 28

8 On page 8, line 24, delete "A" and insert in lieu thereof "For purposes of this Subsection,"

9 AMENDMENT NO. 29

10 On page 8, at the end of line 29, change "Utilization" to "For purposes of this Subsection,  
11 utilization"

12 AMENDMENT NO. 30

13 On page 9, line 17, delete "hereinafter referred to as" and insert in lieu thereof "referred  
14 to hereafter in this Chapter as the"

15 AMENDMENT NO. 31

16 On page 9, line 26, delete "Physicians" and insert in lieu thereof "Physician"

17 AMENDMENT NO. 32

18 On page 10, delete lines 12 through 14 in their entirety

19 AMENDMENT NO. 33

20 On page 10, at the beginning of line 15, change "(20)" to "(18)"

21 AMENDMENT NO. 34

22 On page 10, at the beginning of line 16, change "(21)" to "(19)"

23 AMENDMENT NO. 35

24 On page 10, line 28, delete "commissioner and the board of pharmacy" and insert in lieu  
25 thereof "commissioner of insurance and the Board of Pharmacy"

26 AMENDMENT NO. 36

27 On page 11, at the beginning of line 10, delete "Louisiana"

28 AMENDMENT NO. 37

29 On page 12, line 3, change "spread pricing" to "spread pricing"

30 AMENDMENT NO. 38

31 On page 12, line 7, delete the comma ", "

1 AMENDMENT NO. 39

2 On page 12, line 9, after "interest in" and before "the pharmacy," insert "or control of"

3 AMENDMENT NO. 40

4 On page 12, at the beginning of line 21, change "(b)" to "(b)(a)"

5 AMENDMENT NO. 41

6 On page 12, delete line 24 in its entirety and insert in lieu thereof "manager has an  
7 ownership or controlling interest or that has an ownership or controlling interest in a"

8 AMENDMENT NO. 42

9 On page 12, at the beginning of line 26, change "(a) For purposes of this Section" to "(b)  
10 For purposes of this Paragraph,"

11 AMENDMENT NO. 43

12 On page 12, at the beginning of line 29, change "(b)" to "(c)"

13 AMENDMENT NO. 44

14 On page 13, line 7, delete "denying or reducing" and insert in lieu thereof "deny or  
15 reduce"

16 AMENDMENT NO. 45

17 On page 13, line 8, delete "demanding" and insert in lieu thereof "demand" and delete the  
18 comma " ,"

19 AMENDMENT NO. 46

20 On page 13, at the beginning of line 12, change "in R.S. 46:460.36(A)(3)," to "in R.S.  
21 46:460.36(A),"

22 AMENDMENT NO. 47

23 On page 13, line 14, after "pharmacies" and before "or affiliates" insert a comma " ,"

24 AMENDMENT NO. 48

25 On page 13, at the beginning of line 17, change "(10)" to "(10)(a)"

26 AMENDMENT NO. 49

27 On page 13, at the beginning of line 19, change "(a)" to "(b)"

28 AMENDMENT NO. 50

29 On page 13, at the beginning of line 25, change "(b)" to "(c)"

30 AMENDMENT NO. 51

31 On page 14, at the beginning of line 4, change "(13)" to "(13)(a)"

1 AMENDMENT NO. 52

2 On page 14, at the beginning of line 7, change "(a)" to "(b)"

3 AMENDMENT NO. 53

4 On page 14, at the beginning of line 10, change "(b)" to "(c)"

5 AMENDMENT NO. 54

6 On page 14, at the beginning of line 16, change "(c)" to "(d)"

7 AMENDMENT NO. 55

8 On page 14, at the beginning of line 20, change "(d)" to "(e)"

9 AMENDMENT NO. 56

10 On page 14, at the beginning of line 26, change "(e)" to "(f)"

11 AMENDMENT NO. 57

12 On page 14, line 26, delete "state imposed" and insert in lieu thereof "state-imposed"

13 AMENDMENT NO. 58

14 On page 16, at the beginning of line 8, change "B." to "B.(1)"

15 AMENDMENT NO. 59

16 On page 16, at the beginning of line 15, change "(1)" to "(2)"

17 AMENDMENT NO. 60

18 On page 16, at the beginning of line 17, change "(2)" to "(3)"

19 AMENDMENT NO. 61

20 On page 16, line 20, after "Chapter" and before "shall" insert a comma ","

21 AMENDMENT NO. 62

22 On page 16, line 22, after "interfere" and before "or violate" insert "with"

23 AMENDMENT NO. 63

24 On page 16, line 28, delete the comma ","

25 AMENDMENT NO. 64

26 On page 17, between lines 3 and 4, insert the following:

27 "(1)(a) The commissioner of insurance shall be responsible for  
28 investigation and enforcement of the provisions of the Louisiana Insurance  
29 Code, the applicable provisions of this Chapter, and any rules or regulations  
30 promulgated by the Department of Insurance relative to pharmacy benefit  
31 managers. The commissioner shall refer any complaint it believes to be outside  
32 of his jurisdiction to the Board of Pharmacy or the Louisiana Department of  
33 Justice Consumer Affairs Division for review, investigation, and action.

1           **(b) The commissioner of insurance may suspend or revoke a pharmacy**  
2 **benefit manager's permit, license, or registration in accordance with the**  
3 **Louisiana Insurance Code and the rules and regulations promulgated by the**  
4 **Department of Insurance relative to pharmacy benefit managers.**

5           **(2)(a) The Board of Pharmacy shall be responsible for investigation of**  
6 **the provisions of the Louisiana Pharmacy Practice Act, the applicable**  
7 **provisions of this Chapter, and any rules or regulations promulgated by the**  
8 **Board of Pharmacy relative to pharmacy benefit managers. The Board of**  
9 **Pharmacy shall refer any complaint it believes to be outside of its jurisdiction**  
10 **to the Department of Insurance or the Louisiana Department of Justice**  
11 **Consumer Affairs Division for review, investigation, and action.**

12           **(b) All investigations conducted by the Board of Pharmacy shall be**  
13 **referred to the Louisiana Department of Justice Consumer Affairs Division for**  
14 **review, investigation, and enforcement by the attorney general pursuant to the**  
15 **procedure set forth in this Section.**

16 AMENDMENT NO. 65

17 On page 17, line 4, change "**(1)**" to "**(3)(a)**" and delete "**Louisiana**"

18 AMENDMENT NO. 66

19 On page 17, delete line 5 in its entirety and insert in lieu thereof "**Pharmacy shall**"

20 AMENDMENT NO. 67

21 On page 17, line 6, delete "**relative**"

22 AMENDMENT NO. 68

23 On page 17, at the beginning of line 8, change "**(2)**" to "**(b)**"

24 AMENDMENT NO. 69

25 On page 17, at the beginning of line 8, change "**(3)**" to "**(c)**"

26 AMENDMENT NO. 70

27 On page 17, delete lines 12 through 20 in their entirety

28 AMENDMENT NO. 71

29 On page 17, line 21, change "**(3)**" to "**B.**" and change "**regulatory bodies**" to "**Board of**  
30 **Pharmacy**"

31 AMENDMENT NO. 72

32 On page 17, line 23, delete "**the complaint**" and insert in lieu thereof "**that each complaint**"

33 AMENDMENT NO. 73

34 On page 17, line 28, change "**regulatory body**" to "**Board of Pharmacy**" and after  
35 "**attorney general**" and before the colon ":" insert "**any of the following**"

36 AMENDMENT NO. 74

37 On page 18, line 3, delete "**regulatory body**" and insert in lieu thereof "**Board of**  
38 **Pharmacy**"

1 AMENDMENT NO. 75

2 On page 18, line 7, delete "regulatory body" and insert in lieu thereof "Board of  
3 Pharmacy"

4 AMENDMENT NO. 76

5 On page 18, line 10, delete "the following action" and insert in lieu thereof "any of the  
6 following actions"

7 AMENDMENT NO. 77

8 On page 18, line 12, after "of the" delete the remainder of the line and insert in lieu thereof  
9 "Board of Pharmacy if the board's"

10 AMENDMENT NO. 78

11 On page 18, line 14, delete "regulatory body's" and insert in lieu thereof "Board of  
12 Pharmacy's"

13 AMENDMENT NO. 79

14 On page 18, at the beginning of line 22, change "H." to "H.(1)"

15 AMENDMENT NO. 80

16 On page 18, at the beginning of line 25, change "(1)" to "(2)"

17 AMENDMENT NO. 81

18 On page 18, at the beginning of line 27, change "(2)" to "(3)"

19 AMENDMENT NO. 82

20 On page 19, delete line 3 in its entirety and insert in lieu thereof the following:

21 "(4) The Board of Pharmacy"

22 AMENDMENT NO. 83

23 On page 19, at the beginning of line 4, delete "complaint"

24 AMENDMENT NO. 84

25 On page 19, at the beginning of line 5, change "(4)" to "(5)"

26 AMENDMENT NO. 85

27 On page 19, at the beginning of line 6, change "(5)" to "(6)"

28 AMENDMENT NO. 86

29 On page 19, delete lines 7 and 8 in their entirety and insert in lieu thereof the following:

30 "(a) Suspension, revocation, or placement on probation of any permit  
31 or license issued to the pharmacy benefit manager or any entity in which the  
32 pharmacy benefit manager has an ownership or controlling interest."

1 AMENDMENT NO. 87

2 On page 19, at the beginning of line 10, change "(6)" to "(7)"

3 AMENDMENT NO. 88

4 On page 19, line 13, after "then the" delete the remainder of the line and insert in lieu  
5 thereof "**Board of Pharmacy**"

6 AMENDMENT NO. 89

7 On page 19, at the end of line 16, insert "**attorney general's power to enforce the Unfair**  
8 **Trade Practices and Consumer Protection Law, to limit his authority in R.S. 51:1401,**  
9 **et seq., or as a limitation on the**"