

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
2 direct the Office of Group Benefits to request the following information from current and
3 former contractors of pharmacy benefit manager services: (1) a list of all terms used by the
4 contractor in the ordinary course of business that describe or categorize any payments to and
5 from any related entity, including but not limited to terms labeling or describing elements
6 of the contractor's reimbursements, effective rate contracts, dispensing fees, claim fees,
7 pharmacy network participation fees, all forms of performance fees and components and
8 methods used in the calculation of such fees, fees for research, tracking and information
9 services, and all other related terms; (2) detailed information for each step, variable, and
10 calculation used to determine the amount of money or other consideration paid to the
11 contractor, received by the contractor, retained by the contractor, or otherwise obtained by
12 the contractor from relevant entities; (3) the contractor's policies and criteria for defining or
13 designating drugs as specialty drugs and all documents relating to such policies and criteria,
14 including but not limited to the frequency and circumstances related to any changes to the
15 policies or criteria; and (4) the contractor's policies for requiring or incentivizing patients to
16 utilize specialty or mail-order pharmacy services owned or affiliated with the contractor,
17 including but not limited to co-pay differentials, availability of ninety day refills, shipping
18 charge differentials, pricing differentials, express shipping availability, simplified ordering,
19 patient communications or reminder policies, or other service or any financial or non-
20 financial incentives.

21 BE IT FURTHER RESOLVED, that the Legislature of Louisiana does hereby direct
22 the Office of Group Benefits to include provisions that prohibit pharmacy benefit managers
23 from the use of spread pricing and financial clawbacks and provisions that require data
24 reporting measures including but not limited to data regarding rebates and payments from
25 drug manufacturers, insurers, and pharmacies in all future contracts for pharmacy benefit
26 manager services.

27 BE IT FURTHER RESOLVED, the information requested by this concurrent
28 resolution may only be collected, shared, or disclosed in accordance with federal and state
29 laws, including any relevant privacy laws related to proprietary or confidential information.

- 1 BE IT FURTHER RESOLVED, the Office of Group Benefits shall report to the Joint
2 Legislative Committee on the Budget no later than November 1, 2023.
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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)]

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Directs the Office of Group Benefits (OGB) to request information regarding reimbursements, rates, dispensing fees, pharmacy network participation fees, policies and criteria for designating drugs as specialty drugs, and information regarding policies concerning the use of mail-order pharmacy services from contractors providing pharmacy benefit services. Further directs OGB to include provisions prohibiting pharmacy benefit managers from the use of spread pricing and financial clawbacks and provisions requiring data reporting measures in future contracts for pharmacy benefit manager services. Further directs OGB to report to the Joint Legislative Committee on the Budget no later than November 1, 2023.