
SENATE FLOOR AMENDMENTS

2025 Regular Session

Amendments proposed by Senator Bass to Reengrossed House Bill No. 264 by Representative Echols

1 AMENDMENT NO. 1

2 In Senate Committee Amendment No. 1 (#2863) proposed by the Senate Committee on
3 Insurance and adopted by the Senate on June 4, 2025, on page 1, line 5, after "1869," delete
4 "and"

5 AMENDMENT NO. 2

6 In Senate Committee Amendment No. 1 (#2863) proposed by the Senate Committee on
7 Insurance and adopted by the Senate on June 4, 2025, on page 1, line 6, delete "1870 and
8 to repeal R.S. 22:1657.1, 1860.3(E)," and insert "1870, and 1871, and to repeal R.S.
9 22:1657.1, 1860.2, and 1860.3(E)"

10 AMENDMENT NO. 3

11 In Senate Committee Amendment No. 3 (#2863) proposed by the Senate Committee on
12 Insurance and adopted by the Senate on June 4, 2025, on page 1, line 13, after "dates;"
13 insert "to provide for the creation of a fund;"

14 AMENDMENT NO. 4

15 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
16 Insurance and adopted by the Senate on June 4, 2025, on page 1, line 20, delete "1869, and
17 1870" and insert "1868.1, 1869, 1870, and 1871"

18 AMENDMENT NO. 5

19 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
20 Insurance and adopted by the Senate on June 4, 2025, on page 2, line 38, change "estimate"
21 to "estimate, as determined by the commissioner."

22 AMENDMENT NO. 6

23 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
24 Insurance and adopted by the Senate on June 4, 2025, on page 2, line 59, after "pricing"
25 insert "; fees"

26 AMENDMENT NO. 7

27 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
28 Insurance and adopted by the Senate on June 4, 2025, on page 3, between lines 14 and 15,
29 insert "C. A health insurance issuer or a pharmacy benefit manager shall not directly or
30 indirectly charge or hold a pharmacist or pharmacy responsible for any fee."

31 AMENDMENT NO. 8

32 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
33 Insurance and adopted by the Senate on June 4, 2025, on page 3, line 15, change "C." to
34 "C. D."

1 AMENDMENT NO. 9

2 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 3 Insurance and adopted by the Senate on June 4, 2025, on page 3, line 30, after "Adjustment"
 4 insert "factor"

5 AMENDMENT NO. 10

6 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 7 Insurance and adopted by the Senate on June 4, 2025, on page 4, between lines 10 and 11,
 8 insert the following:

9 "(v) The pharmacy benefit manager shall individually notify all pharmacies using the same
 10 customary supplier or wholesaler that a claim payment error occurred and that the pharmacy
 11 may reverse and resubmit the claim to correct the claim payment error. The pharmacy
 12 benefit manager shall make retroactive price adjustments in the next payment cycle."

13 AMENDMENT NO. 11

14 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 15 Insurance and adopted by the Senate on June 4, 2025, on page 4, line 11, change "(v)" to
 16 "(vi)"

17 AMENDMENT NO. 12

18 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 19 Insurance and adopted by the Senate on June 4, 2025, on page 4, line 23, after "sponsor"
 20 insert "as shared savings in the form of lower premiums, reduced cost-sharing including
 21 reduced copays, coinsurance, or deductibles for prescription drugs, or to provide broader
 22 drug coverage. The specific allocation of rebates and how they are shared with plan
 23 members shall be identified in the plan sponsor's plan design and contract terms"

24 AMENDMENT NO. 13

25 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 26 Insurance and adopted by the Senate on June 4, 2025, on page 4, between lines 52 and 53,
 27 insert the following:

28 "B. "Compensation program" means both of the following:
 29 (a) Negotiated price concessions such as base price concessions, including
 30 those labeled as a rebate or otherwise; reasonable estimates of any price protection
 31 rebates; and performance-based price concessions that may accrue directly or
 32 indirectly to the health insurance issuer, plan, or other party on behalf of the health
 33 insurance issuer or plan, including a pharmacy benefit manager, during the coverage
 34 year. These concessions may come from a pharmaceutical manufacturer, dispensing
 35 pharmacy, or other party in connection with the dispensing or administration of a
 36 prescription drug.
 37 (b) Reasonable estimates, as determined by the commissioner, of any
 38 negotiated price concessions, fees, and other administrative costs that are passed
 39 through, or are reasonably anticipated to be passed through, to the health insurance
 40 issuer or plan that serve to reduce the health insurance issuer's or plan's liabilities for
 41 a prescription drug."

42 AMENDMENT NO. 14

43 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 44 Insurance and adopted by the Senate on June 4, 2025, on page 4, line 53, change "B." to
 45 "C."

1 AMENDMENT NO. 15

2 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 3 Insurance and adopted by the Senate on June 4, 2025, on page 5, line 5, change "March 1"
 4 to "March first"

5 AMENDMENT NO. 16

6 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 7 Insurance and adopted by the Senate on June 4, 2025, on page 5, delete lines 45 through 48
 8 and insert the following:

9 "(5) A pharmaceutical drug manufacturer shall provide notice not later than
 10 thirty days after increasing the wholesale acquisition drug cost of a brand name drug
 11 by more than fifteen percent per wholesale acquisition cost unit during any twelve
 12 month period, or generic or biosimilar drug with a significant price increase, as
 13 defined by the commissioner, in any twelve-month period, or introducing a new drug
 14 for distribution in this state when the wholesale acquisition cost is greater than the
 15 amount that causes the drug to be considered a specialty drug under the Medicare
 16 Part D program. The manufacturer shall also report to the commissioner specific
 17 information about the drug subject to a price increase and an explanation of the
 18 increase, including whether it was in response to any rebate or formulary
 19 requirement."

20 AMENDMENT NO. 17

21 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 22 Insurance and adopted by the Senate on June 4, 2025, on page 5, between lines 48 and 49,
 23 insert the following:

24 "C. The information required pursuant to this Section shall be submitted in
 25 a format determined by the commissioner."

26 AMENDMENT NO. 18

27 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 28 Insurance and adopted by the Senate on June 4, 2025, on page 5, line 49, change "C.(1)" to
 29 "D.(1)"

30 AMENDMENT NO. 19

31 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 32 Insurance and adopted by the Senate on June 4, 2025, on page 5, line 50, after "report."
 33 insert "The commissioner shall have access to any information he considers necessary to
 34 determine the accuracy of the transparency report including but not limited to individual
 35 amounts paid by a health insurance issuer to the pharmacy benefit manager for drugs,
 36 devices, or services provided by a pharmacist or pharmacy, and the individual amount a
 37 pharmacy benefit manager paid to a pharmacist or pharmacy for the same drug, device, or
 38 service."

39 AMENDMENT NO. 20

40 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
 41 Insurance and adopted by the Senate on June 4, 2025, on page 5, between lines 52 and 53
 42 insert the following:

43 "§1871. Enforcement; Pharmacy Benefit Manager Enforcement Fund; creation
 44 A. The commissioner shall enforce the provisions of this Subpart with all of
 45 the powers and authority vested in him pursuant to this Title.
 46 B. Any act or combination of acts prohibited by this Section shall be
 47 considered an unfair method of competition and unfair practice or act in accordance
 48 with the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.

C.(1) The attorney general shall have independent authority to investigate, enforce, and contract with outside counsel for purposes of enforcing violations of this Section. Upon a finding that a pharmacy benefit manager has violated any provision of this Section, the attorney general may seek restitution to the state and treble damages under civil action, and shall be entitled to an award of attorney fees.

(2)(a) The Pharmacy Benefit Manager Enforcement Fund, hereafter referred to as the "fund", is created in the state treasury as a special fund. Any monies collected pursuant to a violation of this Section or violation of any provision of law regulating the practice of pharmacy benefit managers shall be deposited into the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and interest earned on the investment of monies in the fund shall be credited to the fund.

(b) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, all monies received by the state pursuant to a civil award granted or settlement under the provisions of this Subpart shall be deposited into the fund and used for the following purposes:

(i) Subject to legislative appropriation, monies in the fund shall be used first to fund the commissioner of insurance and attorney general's expenditures necessary to carry out the provisions of this Section.

(ii) At the conclusion of each fiscal year, any unexpended monies shall be returned to the policyholders in accordance with a program designed by the attorney general and commissioner."

AMENDMENT NO. 21

In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on Insurance and adopted by the Senate on June 4, 2025, on page 6, delete lines 13 and 14 and insert the following:

"(10) The president of the Louisiana Pharmacists Association. (4) A pharmacist who works for a chain drug store appointed by the Louisiana Alliance of Retail Pharmacies."

AMENDMENT NO. 22

In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on Insurance and adopted by the Senate on June 4, 2025, on page 6, line 33, change "desgnee" to "designee who is a member of the House of Representatives"

AMENDMENT NO. 23

In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on Insurance and adopted by the Senate on June 4, 2025, on page 6, line 36, after "designee" insert "who is a member of the Senate"

AMENDMENT NO. 24

In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on Insurance and adopted by the Senate on June 4, 2025, on page 6, line 37, after "Welfare" insert ", or his designee who is a member of the House of Representatives"

AMENDMENT NO. 25

In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on Insurance and adopted by the Senate on June 4, 2025, on page 6, line 38, after "Welfare" insert ", or his designee who is a member of the Senate"

AMENDMENT NO. 26

1 In Senate Committee Amendment No. 4 (#2863) proposed by the Senate Committee on
2 Insurance and adopted by the Senate on June 4, 2025, on page 7, line 10, after "alternate
3 pharmacy." delete the remainder of the line and delete lines 11 and 12

4 AMENDMENT NO. 27

5 In Senate Committee Amendment No. 7 (#2863) proposed by the Senate Committee on
6 Insurance and adopted by the Senate on June 4, 2025, on page 7, line 20, change "R.S.
7 22:1657.1, 1860.3(E)," to " R.S. 22:1657.1, 1860.2, and 1860.3(E)"

8 AMENDMENT NO. 28

9 In Senate Committee Amendment No. 7 (#2863) proposed by the Senate Committee on
10 Insurance and adopted by the Senate on June 4, 2025, on page 7, line 22, change "R.S.
11 22:1867" to "R.S. 22:1867(A) and 1868.1(A)"