

AMENDMENT #1 By

*Geor
Guttenberg*

OFFERED IN THE HOUSE

TO: CSHB 240(), Draft Version "D"

1 Page 1, line 1, following "Act":

2 Insert "relating to prescription prices available to consumers; relating to penalties
3 for certain pharmacy or pharmacist violations;"

4

5 Page 1, following line 6:

6 Insert new bill sections to read:

7 **** Section 1. AS 08.80.297 is amended by adding a new subsection to read:**

8 (b) No contract or agreement may prohibit a pharmacy, pharmacist, or
9 pharmacy benefits manager from informing a patient of a less costly alternative for a
10 prescription drug or medical device or supply, which may include the amount the
11 patient would pay without the use of a health care plan.

12 * **Sec. 2. AS 08.80.297 is amended by adding new subsections to read:**

13 (c) A pharmacist or person acting at the direction of a pharmacist shall notify
14 the patient if a known less costly alternative for a prescription drug or medical device
15 or supply is available, which may include the amount the patient would pay without
16 the use of a health care plan.

17 (d) In this section,

18 (1) "health care plan" means a policy, contract, benefit, or agreement
19 that provides, delivers, arranges for, pays for, or reimburses any of the costs of health
20 care services under

21 (A) a health care insurance plan as defined under
22 AS 21.54.500;

23 (B) a governmental or employee welfare benefit plan under 29

1 U.S.C. 1001 - 1191 (Employee Retirement Income Security Act of 1974);
2 (C) a plan offered under AS 39.30.090 or 39.30.091;
3 (D) a federal governmental plan as defined under
4 AS 21.54.500;
5 (E) the Medicaid or Medicare program; or
6 (F) a self-insured employer benefit plan;
7 (2) "pharmacy benefits manager" has the meaning given in
8 AS 21.27.955.

9 * Sec. 3. AS 08.80.460(a) is amended to read:

12 * Sec. 4. AS 08.80.460(b) is amended to read:

20 Page 1, line 7;

21 Delete "Section 1"

22 Insert "Sec. 5"

24 Renumber the following bill sections accordingly

26 Page 8, lines 21 - 23:

27 Delete all material and insert:

"**APPLICABILITY.** (a) AS 21.27.901 - 21.27.955, enacted by sec. 5 of this Act, apply to audits of pharmacies conducted by pharmacy benefits managers and contracts entered into or renewed on or after the effective date of sec. 5 of this Act.

31 (b) AS 08.80.297(b), enacted by sec. 1 of this Act, applies to contracts entered into or

1 renewed on or after the effective date of sec. 1 of this Act."

2

3 Reletter the following subsection accordingly.

4

5 Page 8, line 25:

6 Delete "added by sec. 1"

7 Insert "enacted by sec. 5"

8

9 Page 9, line 6:

10 Delete "Section 3 of this Act takes"

11 Insert "Sections 1, 3, and 6 of this Act take"

12

13 Page 9, line 7:

14 Delete "sec. 5"

15 Insert "sec. 9"