

AMENDMENT #1

By Gera
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

U.S.C. 1001 - 1191 (Employee Retirement Income Security Act of 1974);

(C) a plan offered under AS 39.30.090 or 39.30.091;

(D) a federal governmental plan as defined under AS 21.54.500;

(E) the Medicaid or Medicare program; or

(F) a self-insured employer benefit plan;

(2) "pharmacy benefits manager" has the meaning given in AS 21.27.955.

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

(a) Except for a violation of AS 08.80.297, a [A] person who violates a provision of this chapter is guilty of a class B misdemeanor.

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

(b) A person who violates the provisions of AS 08.80.295 or 08.80.297 may be punished [IS PUNISHABLE] by a civil fine in an amount established by the board in a schedule or schedules establishing the amount of civil fine for a particular violation. The schedule or schedules shall be adopted by the board by regulation. Any civil fine imposed under this section may be appealed in the manner provided for appeals in AS 44.62 (Administrative Procedure Act)."

Page 1, line 7:

Delete "Section 1"

Insert "Sec. 5"

Renumber the following bill sections accordingly.

Page 8, lines 21 - 23:

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.

(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"

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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"