

SENATE BILL NO. 209

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY SENATOR WIELECHOWSKI

Introduced: 2/19/18

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of pharmacy; and relating to notifications to consumers**
2 **regarding prescription drug pricing."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08.80.297 is repealed and reenacted to read:

5 **Sec. 08.80.297. Prescription prices available to consumer.** (a) A pharmacist
6 shall, unless directed otherwise by the consumer, charge a consumer the applicable
7 cost sharing or the current pharmacy retail price for a prescription medication,
8 whichever is less.

9 (b) If a pharmacist, or a person acting at the direction of a pharmacist,
10 determines that the cost sharing for a prescription medication exceeds the current
11 pharmacy retail price, the pharmacist or person acting at the direction of a pharmacist
12 shall notify the consumer of the pharmacy retail price and the consumer's cost sharing.

13 (c) A pharmacist shall disclose the pharmacy retail price and the consumer's
14 cost sharing of any prescription when requested by the consumer.

1 (d) A pharmacy shall post a notice to consumers informing them that they
 2 may, at the point of sale, request the current pharmacy retail price for each
 3 prescription medication the consumer intends to purchase.

4 (e) A pharmacy or pharmacist may not enter into a contract or agreement that
 5 prohibits a pharmacy or pharmacist from complying with the provisions of this
 6 section.

7 (f) In this section,

8 (1) "cost sharing" means the amount owed by the consumer under the
 9 terms of the consumer's health care plan;

10 (2) "health care plan" means a policy, contract, benefit, or agreement
 11 that provides, delivers, arranges for, pays for, or reimburses any of the costs of health
 12 care services under

13 (A) a health care insurance plan as defined under
 14 AS 21.54.500;

15 (B) a governmental or employee welfare benefit plan under 29
 16 U.S.C. 1001 - 1191 (Employee Retirement Income Security Act of 1974);

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

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

20 (E) the Medicaid or Medicare program; or

21 (F) a self-insured employer benefit plan;

22 (3) "pharmacy retail price" means the amount an individual would pay
 23 for a prescription medication purchased at a pharmacy without the use of a health care
 24 plan.

25 * **Sec. 2.** AS 08.80 is amended by adding a new section to read:

26 **Sec. 08.80.305. Record of prescriptions.** A pharmacy shall maintain a record
 27 of costs of every prescription dispensed to a consumer. The costs shall include
 28 information related to cost sharing and the pharmacy retail price at the time of sale.
 29 The pharmacy shall keep the record for at least two years. Upon request, a pharmacist
 30 shall provide the record to a consumer during that period.

31 * **Sec. 3.** AS 08.80.460 is amended by adding new subsections to read:

1 (c) Except as provided in (d) of this section, a pharmacist who violates
2 AS 08.80.297 is liable in a civil action by the attorney general or an aggrieved person
3 for the difference between the consumer's cost sharing and the pharmacy retail price,
4 and is punishable by a fine of \$500 for the first violation and \$1,000 for the second
5 and each subsequent violation, plus full attorney fees and costs.

6 (d) A violation of AS 08.80.297(a) is exempt from penalties under this section
7 if the pharmacy or pharmacist offers the consumer a refund of the difference between
8 the consumer's cost sharing and the pharmacy retail price within one year after the
9 date of the violation. If a consumer accepts a refund of the difference, the pharmacy
10 shall make reasonable efforts to provide the refund.

11 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **APPLICABILITY.** AS 08.80.297, repealed and reenacted by sec. 1 of this Act, applies
14 to contracts entered into or renewed on or after the effective date of this Act.