

1 AN ACT relating to insurance for prescription drugs.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 304.17A-164 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Cost sharing" means the cost to an individual insured under a health benefit
6 plan according to any coverage limit, copayment, coinsurance, deductible, or
7 other out-of-pocket expense requirements imposed by the plan;

8 (b) **"Financial assistance" means any discount, payment, product voucher,**
9 **coupon, or other assistance that is offered or provided by a drug**
10 **manufacturer, nonprofit group, or other third party to pay, or reduce, the**
11 **cost of:**

12 **1. A prescription drug for an insured; or**

13 **2. An insured's cost sharing associated with a prescription drug;**

14 (c) "Insurer" includes:

15 1. An insurer offering a health benefit plan providing coverage for
16 pharmacy benefits; or

17 2. Any other administrator of pharmacy benefits under a health benefit
18 plan;

19 ~~(d)~~~~(e)~~ "Pharmacy" includes:

20 1. A pharmacy, as defined in KRS Chapter 315;

21 2. A pharmacist, as defined in KRS Chapter 315; or

22 3. Any employee of a pharmacy or pharmacist; and

23 ~~(e)~~~~(d)~~ "Pharmacy benefit manager" has the same meaning as in KRS 304.17A-
24 161.

25 (2) An insurer issuing or renewing a health benefit plan on or after **the effective date of**
26 **this Act**~~January 1, 2019~~, or pharmacy benefit manager, shall not:

27 (a) Require an insured purchasing a prescription drug to pay a cost-sharing

1 amount greater than the amount the insured would pay for the drug if he or she
2 were to purchase the drug without coverage under a health benefit plan;

3 (b) Prohibit financial assistance received by an insured from applying toward
4 any cost sharing owed by the insured under the health benefit plan unless
5 the prohibition is required to comply with federal law;

6 (c) Prohibit a pharmacy from discussing any information under subsection (3) of
7 this section; ~~or~~~~and~~

8 (d)~~(c)~~ Impose a penalty on a pharmacy for complying with this section.

9 (3) A pharmacist shall have the right to provide an insured information regarding the
10 applicable limitations on his or her cost-sharing pursuant to this section for a
11 prescription drug.

12 (4) To the extent allowable under federal law, any amount paid by or on behalf of an
13 insured under subsection (2)(a) or (b) of this section shall be attributable toward any
14 annual out-of-pocket maximums under the insured's health benefit plan.

15 ➔Section 2. This Act takes effect January 1, 2020.