

SECOND REGULAR SESSION

SENATE BILL NO. 962

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

Read 1st time January 30, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5085S.04I

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to prescription drug costs.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.2027, to read as follows:

376.2027. 1. As used in this section, the following terms shall mean:

(1) "Defined cost-sharing", a deductible payment or coinsurance amount imposed on a covered individual for a covered prescription drug under the enrollee's health benefit plan;

(2) "Drug", the same meaning as is ascribed to such term in section 376.1350;

(3) "Enrollee", the same meaning as is ascribed to such term in section 376.1350;

(4) "Health benefit plan", the same meaning as is ascribed to such term in section 376.1350;

(5) "Health carrier", the same meaning as is ascribed to such term in section 376.1350;

(6) "Prescription insulin drug", a drug that contains insulin and is used to control blood glucose levels to treat diabetes, except that such term shall not include an insulin drug that is administered to a patient intravenously;

(7) "Pharmacy", the same meaning as is ascribed to such term in section 338.210;

(8) "Rebate", any discount, negotiated concession, or other payment provided by a pharmaceutical manufacturer, pharmacy, or

22 health benefit plan to an entity to sell, provide, pay, or reimburse a
23 pharmacy or other entity in the state for the dispensing or
24 administration of drugs on behalf of itself or another entity;

25 (9) "Trade secret", the same meaning as is ascribed to such term
26 in section 417.4523.

27 2. An enrollee's defined cost-sharing for each prescription
28 insulin drug shall be calculated at the point of sale based on a price
29 that is reduced by an amount equal to at least one hundred percent of
30 all rebates received, or to be received, in connection with the
31 dispensing or administration of the drug.

32 3. Nothing in this section shall preclude a health carrier from
33 decreasing a covered individual's defined cost-sharing by an amount
34 greater than that required under subsection 2 of this section.

35 4. In complying with the provisions of this section, no health
36 carrier or its agents shall be required to publish or otherwise reveal
37 information regarding the actual amount of rebates a health carrier
38 receives on a product, manufacturer, or pharmacy-specific basis. Such
39 information shall be protected as a trade secret, shall not be a public
40 record under chapter 610, and shall not be disclosed directly or
41 indirectly. A health carrier shall impose the confidentiality protections
42 of this section on any vendor or other third party that performs health
43 care or administrative services on behalf of the health carrier and
44 which may receive or have access to rebate information.

45 5. If any provision of this section or the application thereof to
46 anyone or to any circumstance is held invalid, the remainder of this
47 section and the application of such provisions to others or other
48 circumstances shall not be affected thereby.

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