



SF0151

Wyoming prescription drug transparency act.

Sponsored By: Senator(s) Hutchings, Bouchard, Dockstader and McKeown and Representative(s) Banks, Bear, Davis, Pendergraft, Penn, Rodriguez-Williams, Strock, Styvar and Winter

AN ACT relating to the insurance code; prohibiting specified actions by pharmacy benefit managers; allowing individuals to choose in network retail pharmacies as specified; providing definitions; excluding certain claims as specified; amending a definition; requiring pharmacy benefit managers to provide contact information as specified; amending the process for when a maximum allowable cost appeal is denied; requiring pharmacy benefit managers to allow pharmacies to file appeals in electronic batch formats; requiring pharmacy benefit managers to reimburse pharmacies as specified; authorizing pharmacies to decline to provide pharmacy services as specified; making conforming amendments; requiring rulemaking; providing appropriations; and providing for effective dates.

1/21/2023 Bill Number Assigned
1/24/2023 S Received for Introduction
1/24/2023 S Introduced and Referred to S10 - Labor
2/1/2023 S10 - Labor:Recommend Do Pass 3-2-0-0-0

ROLL CALL

Ayes: Senator(s) Bouchard, Dockstader, Hutchings
Nays: Senator(s) Baldwin, Barlow
Ayes 3 Nays 2 Excused 0 Absent 0 Conflicts 0

2/1/2023 :Rerefer to S02 - Appropriations
2/2/2023 S02 - Appropriations:Recommend Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Kinskey, Nethercott, Salazar
Nays: Senator Gierau
Ayes 4 Nays 1 Excused 0 Absent 0 Conflicts 0

2/2/2023 S Placed on General File

SF0151SW001/ADOPTED (CORRECTED COPY)

Page 2-line 3 After "26-52-105" delete "is" and insert "and 26-52-106 are".

Page 3-line 23 After "drugs" insert ", except for specialty medications as defined by W.S. 26-52-102(a)(xi)".

Page 4-after line 2 Insert and renumber as necessary:

"(vi) Retain funds paid by a pharmaceutical manufacturer to a pharmacy benefits manager as a result of negotiations of a reduced price for a pharmaceutical between a pharmacy benefits manager and a manufacturer, in relation to a contract between a pharmacy benefits manager and an insurer related to its insured prescription drug benefits. Funds retained under this paragraph shall be remitted to and retained by the insurer and shall be used by the insurer to lower premiums for covered persons under the insurer's health benefits plan or to allow for remittance directly to the covered person at the point of sale to reduce the covered person's out-of-pocket costs;"

Page 4-line 4 Delete "(vi)" and insert "(vii)".

Page 4-line 10 Delete "(vii)" and insert "(viii)".

Page 4-line 17 Delete "(viii)" and insert "(ix)".

Page 5-line 9 After "pharmacy" insert ", except for specialty medications as defined by W.S. 26-52-102(a)(xi)".

Page 5-after line 13 Insert:

**"26-52-106. Alternate reimbursement methodologies.**

(a) All contracts between a pharmacy benefits manager and a pharmacy services administrative organization, or its contracted pharmacies, and all contracts directly between a pharmacy benefits manager and a pharmacy shall include a process to investigate and resolve disputes and allow appeals regarding brand and multiple-source generic drug pricing, including if applicable brand effective rates, generic effective rates, dispensing fee effective rates and any other pricing formula for pharmacy reimbursement.

(b) Appeals authorized under this section shall comply with the procedures specified in W.S. 26-52-104."

Page 5-line 16 Delete "(xi)" and insert "(xii)".

Page 7-after line 20 Insert and renumber as necessary:

"(xi) "Specialty medication" means a prescription medication that:

(A) Is not available for order or purchase by a retail community pharmacy or long-term care pharmacy, regardless of whether the drug is meant to be self-administered;

(B) Requires special storage and has distribution or inventory limitations not available at a retail community pharmacy or long-term care pharmacy."

Page 7-line 22 Delete "(xi)" and insert "(xii)".

Page 8-line 1 After "plan" insert ", not including Medicare, Medicaid or any other health benefit program or coverage maintained by the federal government,".

Page 11-line 9 Delete "the general fund" and insert "special revenue funds generated pursuant to W.S. 26-2-204".

Page 11-line 21 Delete "the general fund" and insert "special revenue funds generated pursuant to W.S. 26-2-204". HUTCHINGS

2/6/2023 S COW:Passed  
2/7/2023 S 2nd Reading:Passed  
2/8/2023 S 3rd Reading:Passed 23-8-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Biteman, Boner, Bouchard, Brennan, Case, Dockstader, Ellis, French, Hicks, Hutchings, Ide, Kinskey, Landen, Laursen, Mckeown, Nethercott, Pappas, Rothfuss, Salazar, Schuler, Scott, Steinmetz  
**Nays:** Senator(s) Baldwin, Barlow, Cooper, Furphy, Gierau, Jones, Kolb, President Driskill  
**Ayes** 23    **Nays** 8    **Excused** 0    **Absent** 0    **Conflicts** 0

2/8/2023        H Received for Introduction  
2/14/2023       H Introduced and Referred to H03 - Revenue  
2/22/2023       H03 - Revenue:Recommend Amend and Do Pass 9-0-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Bear, Byron, Harshman, Locke, Northrup, Oakley, Storer, Strock, Zwonitzer  
**Ayes** 9    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 0

2/22/2023       :Rerefer to H02 - Appropriations  
2/22/2023       H02 - Appropriations:Do Pass Failed 4-3-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Sherwood, Stith, Walters, Zwonitzer  
**Nays:** Representative(s) Henderson, Larsen, Nicholas  
**Ayes** 4    **Nays** 3    **Excused** 0    **Absent** 0    **Conflicts** 0

2/22/2023       H Placed on General File

**SF0151HS001/FAILED**                    **(TO ENGROSSED COPY)**

Page 1-line 2                    Delete "allowing".  
Page 1-line 3                    Delete entirely.  
Page 1-line 4                    Delete "specified;".  
Page 4-line 3                    After "medications" insert ";" and delete balance of line.  
Page 5-lines 11 through 23       Delete entirely.  
Page 6-lines 1 through 4                    Delete entirely.  
Page 6-line 6                    Delete "(c)" and insert "(b)".  
Page 6-line 12                    Delete "(a)".  
Page 6-line 16                    After "disputes" insert "." and delete balance of line.  
Page 6-lines 17 through 23       Delete entirely.  
Page 7-line 2                    Delete "(iv),".  
Page 7-line 3                    Delete "(xii)" and insert "(x)".  
Page 7-lines 11 through 22       Delete entirely.  
Page 8-lines 1 through 9                    Delete entirely.

Page 8-line 15 After "benefits" insert ". "Pharmacy benefit manager" shall not include any entity that contracts with the Wyoming workers' compensation division to administer or manage its prescription drug benefits program pursuant to its established fee schedule or any entity that works with Medicare, Medicaid or any other health benefit program or coverage maintained by the federal government"".

Page 9-lines 11 through 21 Delete entirely.

Page 10-lines 1 through 9 Delete entirely.

Page 13-line 12 Delete "special revenue funds".

Page 13-line 13 Delete line through "26-2-204" and insert "the general fund".

Page 14-line 2 After "from" delete balance of line.

Page 14-line 3 Delete line through "26-2-204" and insert "the general fund". HARSHMAN, CHAIRMAN

**SF0151HW001/WITHDRAWN**

**SF0151HW003/WITHDRAWN**

**SF0151HW004/WITHDRAWN**

**SF0151HW005/WITHDRAWN**

**SF0151HW002/WITHDRAWN**

2/24/2023 H COW:Passed

2/27/2023 H 2nd Reading:Laid Back

**SF0151H2001/ADOPTED (TO ENGROSSED COPY)**

Page 7-line 2 Delete "(iv),".

Page 7-lines 11 through 22 Delete entirely.

Page 8-lines 1 through 9 Delete entirely. ZWONITZER, DN

**SF0151H2003/ADOPTED (TO ENGROSSED COPY)  
(CORRECTED COPY)**

Page 9-lines 11 through 21 Delete entirely and insert:

"(xi) "Specialty medication" means a prescription drug that is typically high cost and that:

(A) Is prescribed for a person with a:

(I) Chronic, complex or life-threatening condition; or

(II) Rare medical condition.

(B) Has limited or exclusive distribution; or

(C) Requires:

(I) Specialized product handling or administration by the dispensing pharmacy; or

(II) Specialized clinical care, including frequent dosing adjustments, intensive clinical monitoring or expanded services for patients." ZWONITZER, DN

SF0151H2004/FAILED

(TO ENGROSSED COPY)  
(CORRECTED COPY)

Page 4-line 2 Delete "prescription" and insert "generic"; after "except for" insert "brand drugs and".

Page 4-line 5 After "pricing" insert "without the consent of the health benefit plan".

Page 5-line 1 Delete "requesting pharmacies or".

Page 5-line 22 After "require" delete balance of line.

Page 5-line 23 Delete line through "sharing or". ZWONITZER, DN

**ROLL CALL**

**Ayes:** Representative(s) Brown, Burkhart, Jr, Chadwick, Chestek, Conrad, Crago, Eklund, Henderson, Lawley, Newsome, Nicholas, Northrup, Obermueller, O'hearn, Provenza, Sherwood, Storer, Walters, Yin, Zwonitzer, Dan, Zwonitzer, Dave

**Nays:** Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Byron, Clouston, Davis, Haroldson, Harshman, Heiner, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Locke, Neiman, Niemiec, Oakley, Olsen, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Speaker Sommers, Stith, Strock, Styvar, Tarver, Trujillo, Ward, Washut, Western, Winter, Wylie

**Ayes** 21    **Nays** 41    **Excused** 0    **Absent** 0    **Conflicts** 0

SF0151H2005/ADOPTED

(TO ENGROSSED COPY)  
(CORRECTED COPY)

Page 13-line 11 Delete "ninety-five".

Page 13-line 12 Delete line through "(\$95,000.00)" and insert "one hundred twenty-five thousand dollars (\$125,000.00)"; delete "special revenue funds".

Page 13-line 13 Delete line through "26-2-204" and insert "the general fund".

Page 14-line 2 Delete "special revenue funds generated".

Page 14-line 3 Delete line through "26-2-204" and insert "the general fund".

Page 14-line 7 Delete "2024" and insert "2025".

Page 14-line 10 Delete "2024" and insert "2025". ZWONITZER, DN

**SF0151H2002/ADOPTED (TO ENGROSSED COPY)  
(CORRECTED COPY)**

Page 1-line 4 After "definition;" insert "excluding certain claims as specified;".

Page 2-line 4 Delete "and 26-52-106" and insert "through 26-52-107".

Page 6-after line 23 Insert:

**"26-52-107. Certain claims excluded.**

W.S. 26-52-104 through 26-52-106 shall apply to all health benefit plan issuers and pharmacy benefit managers except those claims associated with the Wyoming Medicaid fee-for-service program, the Wyoming workers compensation division or those claims otherwise prohibited by federal law."

Page 10-line 3 After "plan" delete ",."

Page 10-lines 4 and 5 Delete entirely.

Page 10-line 6 Delete "government,". STROCK

**SF0151H2006.01/ADOPTED (TO ENGROSSED COPY)  
(CORRECTED COPY)  
[DIVIDED AMENDMENT]**

Page 6-line 17 Delete "brand and".

Page 6-line 18 After "pricing" insert "." and delete balance of line.

Page 6-lines 19 and 20 Delete entirely. ZWONITZER, DN

**SF0151H2006.02/FAILED (TO ENGROSSED COPY)  
(CORRECTED COPY)  
[DIVIDED AMENDMENT]**

Page 5-lines 11 through 18 Delete entirely. ZWONITZER, DN

2/28/2023 H 2nd Reading:Passed

**SF0151H3001/ADOPTED (TO ENGROSSED COPY)**  
Delete the Zwonitzer second reading amendment (SF0151H2006.01/ACE) entirely and further amend as follows:

Page 6-line 19 Delete entirely.

Page 6-line 20 Delete line through "formula". PENN

**SF0151H3002/FAILED (TO ENGROSSED COPY)**

Page 4-line 5                   After "pricing" insert "without the consent of the health benefit plan".

Page 5-line 15                 After "services." delete balance of line.

Page 5-lines 16 through 18   Delete entirely. ZWONITZER, DN

3/1/2023       H 3rd Reading:Passed 40-21-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Clouston, Conrad, Crago, Davis, Haroldson, Harshman, Heiner, Hornok, Jennings, Knapp, Lawley, Locke, Neiman, Newsome, Nicholas, Northrup, Oakley, Obermueller, O'hearn, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Strock, Styvar, Tarver, Trujillo, Ward, Washut, Western, Winter

**Nays:** Representative(s) Berger, Brown, Burkhart, Jr, Chadwick, Chestek, Eklund, Henderson, Larsen, Lloyd, Larson, Jt, Niemiec, Olsen, Provenza, Sherwood, Speaker Sommers, Stith, Storer, Walters, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

**Excused:** Representative Byron

**Ayes** 40     **Nays** 21     **Excused** 1     **Absent** 0     **Conflicts** 0

3/1/2023       S Received for Concurrence

3/2/2023       S Concur:Passed 19-11-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Biteman, Boner, Bouchard, Brennan, Dockstader, French, Hicks, Hutchings, Ide, Jones, Kinskey, Laursen, Mckeown, Rothfuss, Salazar, Schuler, Scott, Steinmetz

**Nays:** Senator(s) Baldwin, Barlow, Case, Cooper, Ellis, Furphy, Gierau, Kolb, Landen, Nethercott, Pappas

**Excused:** Senator President Driskill

**Ayes** 19     **Nays** 11     **Excused** 1     **Absent** 0     **Conflicts** 0

3/2/2023       Assigned Number SEA No. 0090

3/2/2023       S President Signed SEA No. 0090

3/2/2023       H Speaker Signed SEA No. 0090

3/17/2023      Governor Vetoed SEA No. 0090

3/17/2023      Veto Message Received

3/17/2023      Governor Signed SEA No. 0090

3/17/2023      Assigned Chapter Number 189

Chapter No. 189   Session Laws of Wyoming 2023