



SF0036

Pharmacy benefit managers act enhancements.

Sponsored By: Joint Labor, Health & Social Services Interim Committee

AN ACT relating to pharmacy benefit managers; requiring reporting on pharmacy benefit manager audits; regulating the conduct of pharmacy benefit managers; providing monetary reimbursement level requirements; amending provisions governing pharmacy benefit manager audits; requiring fee transparency; amending provisions governing maximum allowable cost appeals; regulating pharmacy benefit managers regarding the state employees' and officials' group insurance program; clarifying application of the Health Care Reimbursement Reform Act of 1985 to pharmacy benefit managers; providing definitions; making conforming amendments; repealing unnecessary definitions; requiring rulemaking; amending rulemaking authority; authorizing personnel; providing appropriations; and providing for effective dates.

1/19/2022 Bill Number Assigned
1/19/2022 S Received for Introduction
2/15/2022 S Introduced and Referred to S10 - Labor 21-9-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Biteman, Boner, Bouchard, Case, Cooper, Dockstader, Ellis, French, Hicks, Hutchings, James, Kinskey, Landen, Mckeown, Nethercott, Pappas, Perkins, Salazar, Scott, Steinmetz

Nays: Senator(s) Baldwin, Driskill, Furphy, Gierau, Kolb, Kost, Rothfuss, Schuler, Wasserburger

Ayes 21 **Nays** 9 **Excused** 0 **Absent** 0 **Conflicts** 0

2/17/2022 S10 - Labor:Recommend Amend and Do Pass 3-2-0-0-0

ROLL CALL

Ayes: Senator(s) Bouchard, Hutchings, Mckeown

Nays: Senator(s) Baldwin, Furphy

Ayes 3 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 0

2/17/2022 :Rerefer to S02 - Appropriations

2/18/2022 S02 - Appropriations:Recommend Do Pass 3-1-1-0-0

ROLL CALL

Ayes: Senator(s) Gierau, Perkins, Steinmetz

Nays: Senator Hicks

Excused: Senator Kinskey

Ayes 3 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

2/18/2022 S Placed on General File

SF0036SS001/ADOPTED

Page 4-line 2 Delete "or erroneously".

Page 5-line 16 Delete "25-52-107." and insert "26-52-107.".

Page 6-line 16 Delete "25-52-109." and insert "26-52-109.". BALDWIN, CHAIRMAN

2/21/2022 S COW:Passed

2/22/2022 S 2nd Reading:Laid Back
2/23/2022 S 2nd Reading:Laid Back

SF0036S2001/ADOPTED

(CORRECTED COPY)

Page 9-line 14 Delete "(x)" and insert "(ix)".

Page 13-lines 20 through 23 Delete entirely.

Page 14-lines 1 through 4 Delete entirely and renumber as necessary.

Page 14-line 6 Delete "(ix)" and insert "(viii)".

Page 15-line 10 Delete "(x)" and insert "(ix)". HUTCHINGS

SF0036S2002/ADOPTED

Page 5-line 8 After "fee;" delete "or".

Page 5-after line 14 Insert and renumber as necessary:

"(iv) Restricts the use or prescribing of any generic prescription drug approved by the federal food and drug administration as an alternative to a name-brand prescription drug unless the prescribing physician includes a notation that the prescription shall be "dispensed as written" or other similar language; or

(v) Provides financial or other incentives for the use of a specific name-brand prescription drug for any reason.". ROTHFUSS

2/24/2022 S 2nd Reading:Passed

SF0036S3001/ADOPTED

Page 2-line 4 Delete "through" and insert ", 26-52-106, 26-52-108 and".

Page 5-lines 16 through 23 Delete entirely including the Senate standing committee amendment (SF0036SS001/A) to these lines.

Page 6-lines 1 through 4 Delete entirely.

Page 9-after line 10 Insert and renumber as necessary:

"**Section 2.** W.S. 26-52-107 is created to read:

26-52-107. Pharmacy reimbursement transparency.

No pharmacy benefit manager shall reimburse a pharmacy or the pharmacy's designee for a pharmacist service in an amount less than the national average drug acquisition cost for the pharmacist service at the time the drug is administered or dispensed. If the national average drug acquisition cost is not available at the time a drug is administered or dispensed, a pharmacy benefit manager shall not reimburse in an amount that is less than the wholesale acquisition cost of the drug, as defined by 42 U.S.C. § 1395w-3a(c)(6)(B)."

Page 9-line 12 Delete "**Section 2.**" and insert "**Section 3.**".

Page 9-line 13 Delete "26-22-503(c)",

Page 12-lines 10 through 18 Delete entirely.

Page 18-after line 18 Insert and renumber as necessary:

"Section 4. W.S. 26-22-503(c) is amended to read:

26-22-503. Policies with incentives or limits on reimbursement authorized; conditions.

(c) Any group may contract with an insurer, preferred provider organization or health maintenance organization for provision of ~~medical-health~~ **care** services outside of Wyoming for the insureds of that group, provided the insureds are not restricted from utilizing any Wyoming provider who provides the same health care services."

Page 18-line 20 Delete "Section 3." and insert "Section 5."

Page 19-line 1 Delete "Section 4." and insert "Section 6."

Page 19-line 5 Delete "Section 5." and insert "Section 7."

Page 20-line 8 Delete "Section 6." and insert "Section 8."

Page 20-line 10 Delete "subsection (b) of this".

Page 20-line 11 Delete entirely and insert "subsections (b) and (c) of this section, sections 1, 3 and 5 of this act are effective July 1, 2022."

Page 20-after line 11 Insert and renumber as necessary:

"(b) Sections 2 and 4 of this act are effective July 1, 2023."

Page 20-line 13 Delete "(b)" and insert "(c)"; delete "4 through 6" and insert "6 through 8". HUTCHINGS

2/25/2022 S 3rd Reading:Passed 24-6-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Biteman, Boner, Bouchard, Case, Cooper, Dockstader, Driskill, French, Hicks, Hutchings, James, Kinskey, Kost, Landen, Mckeown, Pappas, Perkins, Rothfuss, Salazar, Schuler, Scott, Steinmetz

Nays: Senator(s) Ellis, Furphy, Gierau, Kolb, Nethercott, Wasserburger

Ayes 24 **Nays** 6 **Excused** 0 **Absent** 0 **Conflicts** 0

2/28/2022 H Received for Introduction

3/1/2022 H Introduced and Referred to H07 - Corporations

3/8/2022 H No report prior to CoW Cutoff

3/8/2022 H:Died in Committee Returned Bill Pursuant to HR 5-4