

Amendment to SB 238-FN

1 Amend the bill by replacing sections 1-3 with the following:

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3 1 Regulation of Pharmacies; Price of Filling Prescriptions. Amend RSA 318:47-h, I to read as
4 follows:

5 I. A pharmacy benefits manager or insurer shall require a contracted pharmacy to charge
6 an enrollee or insured person the pharmacy's usual and customary price of filling the prescription
7 or the contracted copayment, whichever is less. ***For the purposes of this paragraph, "usual***
8 ***and customary price" means the price an individual would pay for a prescription at a***
9 ***retail pharmacy if that individual did not have a prescription drug benefit or insurance.***
10 ***For the purposes of this paragraph, "contracted copayment" means a fixed amount an***
11 ***individual is responsible to pay for covered prescriptions as set forth in the health benefit***
12 ***plan.***

13 2 Managed Care Law; Price of Filling Prescriptions. Amend RSA 420-J:7-b, X(a) to read as
14 follows:

15 (a) A pharmacy benefits manager or insurer shall require a contracted pharmacy to
16 charge an enrollee or insured person the pharmacy's usual and customary price of filling the
17 prescription or the contracted copayment, whichever is less. ***For the purposes of this***
18 ***subparagraph, "usual and customary price" means the price an individual would pay for***
19 ***a prescription at a retail pharmacy if that individual did not have a prescription drug***
20 ***benefit or insurance. For the purposes of this subparagraph, "contracted copayment"***
21 ***means a fixed amount an individual is responsible to pay for covered prescriptions as set***
22 ***forth in the health benefit plan.***

23 3 Accident and Health Insurance; Price of Filling Prescriptions. Amend RSA 415:26, I to read
24 as follows:

25 I. A pharmacy benefits manager or insurer shall require a contracted pharmacy to charge
26 an enrollee or insured person the pharmacy's usual and customary price of filling the prescription
27 or the contracted copayment, whichever is less. ***For the purposes of this paragraph, "usual***
28 ***and customary price" means the price an individual would pay for a prescription at a***
29 ***retail pharmacy if that individual did not have a prescription drug benefit or insurance.***
30 ***For the purposes of this paragraph, "contracted copayment" means a fixed amount an***
31 ***individual is responsible to pay for covered prescriptions as set forth in the health benefit***
32 ***plan.***

Amendment to SB 238-FN
- Page 2 -

2017-0794s

AMENDED ANALYSIS

This bill clarifies the terms "usual and customary price" and "contracted copayment" for the purposes of filling prescriptions.