



SPONSOR: Rep. Bennett & Sen. Delcollo  
Reps. Brady, Briggs King, K. Williams; Sens. Ennis,  
Hocker

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 216

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO REIMBURSEMENT FOR AND  
PROVISION OF PRESCRIPTION DRUGS OR PHARMACY SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Part I, Title 18 of the Delaware Code by making deletions as shown by strikethrough and  
2 insertions as shown by underline as follows:

3 Chapter 33B. Reimbursement for and Provision of Prescription Drugs or Pharmacy Services.

4 § 3301B. Definitions.

5 As used in this chapter:

6 (1) "Carrier" means any entity that provides health insurance in this State. "Carrier" includes an insurance  
7 company, health service corporation, health maintenance organization, and any other entity providing a plan of health  
8 insurance or health benefits subject to state insurance regulation.

9 (2) "Insured" means an individual entitled to health care benefits for prescription drugs or pharmacy services  
10 under a health insurance policy or contract issued or delivered in this State by an entity subject to this chapter.

11 (3) "Pharmacist" means as defined in § 2502 of Title 24.

12 (4) "Pharmacy" means as defined in § 2502 of Title 24.

13 (5) "Pharmacy benefit manager" means as defined under § 3302A of this title.

14 § 3302B. Application.

15 This chapter applies to all of the following:

16 (1) A carrier that provides coverage for prescription drugs and pharmacy services.

17 (2) A carrier that provides coverage for prescription drugs and pharmacy services through a pharmacy benefits  
18 manager.

19 § 3303B. Reimbursement for and provision of prescription drugs or pharmacy services.

20 (a) If the amount reimbursed by an entity subject to this chapter for a prescription drug or pharmacy service is less  
21 than the pharmacy acquisition cost for the same prescription drug or pharmacy service, a pharmacist or pharmacy may  
22 decline to dispense the prescription drug or provide the pharmacy service to an insured.

23           (b) A pharmacy benefits manager may not reimburse a pharmacist or pharmacy for a prescription drug or  
24 pharmacy service in an amount less than the amount the pharmacy benefits manager reimburses itself or an affiliate for the  
25 same prescription drug or pharmacy service.

#### SYNOPSIS

This Act authorizes a pharmacist or pharmacy to decline to dispense a prescription drug or provide a pharmacy service to an “insured” if the amount reimbursed by an entity subject to the Act is less than the pharmacy acquisition cost.

This Act also prohibits a pharmacy benefits manager from reimbursing a pharmacist or pharmacy for a prescription drug or pharmacy service in an amount less than the pharmacy benefits manager reimburses itself or an affiliate for the same prescription drug or pharmacy service.