



SPONSOR: Rep. B. Short

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 463

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 strike through 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) “Insured” means an individual entitled to health care benefits for prescription drugs or pharmacy services
7 under a health insurance policy or contract issued or delivered in this State by an entity subject to this chapter.

8 (2) “Pharmacist” means as defined in § 2502 of Title 24.

9 (3) “Pharmacy” means as defined in § 2502 of Title 24.

10 (4) “Pharmacy benefit manager” means as defined under § 3302A of this title.

11 § 3302B. Application.

12 This chapter applies to all of the following:

13 (1) An insurer and nonprofit health service plan that provides coverage for prescription drugs and pharmacy
14 services under a health insurance policy or contract that is issued or delivered in this State.

15 (2) A health maintenance organization that provides coverage for prescription drugs and pharmacy services
16 under a contract that is issued or delivered in this State.

17 (3) An insurer, a nonprofit health service plan, or a health maintenance organization that provides coverage
18 for prescription drugs and pharmacy services through a pharmacy benefits 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, the 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.