

SPONSOR: Rep. Bennett & Sen. Henry & Sen. Pettyjohn
Reps. Baumbach, Bentz, Heffernan, Keeley, Kowalko, Matthews, B. Short, Smyk, Spiegelman, K. Williams; Sens. McDowell, Poore

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 425
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO PERMITTED DISCLOSURES RELATED TO PRESCRIPTION DRUGS.

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

Section 1. Amend Chapter 33A, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter III. Permitted Disclosures Related to Prescription Drugs.

§ 3331A. Definitions.

As used in this subchapter:

(1) "Health insurance" means as defined in § 903 of this title.

(2) "Insured" means an individual covered by health insurance offered by an insurer.

(3) "Insurer" means any entity that provides health insurance in this State.

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

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

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

(7) "Substitute" means as defined in § 2502 of Title 24.

§ 3332A. Permitted disclosures related to prescription drugs.

A contract between a pharmacy benefits manager and a pharmacy may not prohibit a pharmacy or pharmacist from doing any of the following:

(1) Providing an insured with information regarding the retail price of a prescription drug or the amount of the cost share for which the insured is responsible for a prescription drug.

(2) Discussing with an insured information regarding the retail price of a prescription drug or the amount of the cost share for which the insured is responsible for a prescription drug.

(3) If a more affordable substitute is available, selling the more affordable substitute to the insured.

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Section 2. This Act is applicable to contracts between pharmacy benefit managers and pharmacies that are entered into, renewed, or extended on or after the effective date of this Act.