SPONSOR: Sen. Delcollo & Sen. Hansen & Sen. Sokola &
Rep. Bennett & Rep. Seigfried & Rep. Shupe &
Rep. Michael Smith
Sens. Paradee, Pettyjohn, Wilson; Reps. Briggs King,
Bush, Gray, Kowalko, Matthews, Osienski, K. Williams

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 71
AS AMENDED BY
SENATE AMENDMENT NO. 2
AND
SENATE AMENDMENT NO. 3
AND
SENATE AMENDMENT NO. 4
AND
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18 AND TITLE 24 OF THE DELAWARE CODE RELATING PHARMACY OWNERSHIP AND PHARMACY BENEFITS MANAGERS.

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

Section 1. Amend Subchapter III, 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. Prohibited Requirements and Permitted Disclosures Related to Prescription Drugs.

§ 3333A. Prohibited requirements; incentives.

(a)(1) A pharmacy benefit manager may not require an insured to use a retail pharmacy, mail-order pharmacy, or other entity providing pharmacy services in which the pharmacy benefit manager has an ownership interest or that has an ownership interest in the pharmacy benefit manager.

(2) If a specific pharmaceutical product is only available in a pharmacy in which the pharmacy benefit manager has an ownership interest or that has an ownership interest in the pharmacy benefit manager, the pharmacy benefit manager is not requiring an insured to use a pharmacy under paragraph (a)(1) of this section.

(3) Notwithstanding paragraph (a)(1) of this section, a pharmacy benefit manager may require an insured to use a specialty pharmacy owned by the pharmacy benefit manager.

(b)(1) A pharmacy benefit manager may not provide an incentive to an insured to encourage an insured to use a retail pharmacy or other entity providing pharmacy services in which the pharmacy benefit manager has an ownership interest or that has an ownership interest in the pharmacy benefit manager.

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(2) Notwithstanding paragraph (b)(1) of this section, a pharmacy benefit manager may provide an incentive to an insured to use a mail-order pharmacy or specialty pharmacy owned by the pharmacy benefit manager.

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