

HOUSE BILL NO. 344

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY (127).

0346H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to prescription drug costs.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.2027, to read as follows:

376.2027. 1. As used in this section, the following terms mean:

(1) **"Defined cost-sharing", a deductible payment or coinsurance amount imposed on a covered individual for a covered prescription drug under the enrollee's health benefit plan;**

(2) **"Drug", the same meaning given to the term in section 376.1350;**

(3) **"Enrollee", the same meaning given to the term in section 376.1350;**

(4) **"Health benefit plan", the same meaning given to the term in section 376.1350;**

(5) **"Health carrier", the same meaning given to the term in section 376.1350;**

(6) **"Pharmacy", the same meaning given to the term in section 338.210;**

(7) **"Prescription insulin drug", a drug that contains insulin and is used to control blood glucose levels to treat diabetes; except that, the term "prescription insulin drug" shall not include an insulin drug that is administered to a patient intravenously;**

(8) **"Rebate", any discount, negotiated price concession, or other payment or amount, including a fee or other administrative cost, provided by a pharmaceutical manufacturer, pharmacy, or health benefit plan, directly or indirectly, to an entity to sell, provide, pay, or reimburse a pharmacy or other entity in the state in connection with the dispensation or administration of a prescription drug on behalf of itself or another entity;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(9) "Trade secret", the same meaning given to the term in section 417.453.**

19 **2. An enrollee's defined cost-sharing for each prescription insulin drug shall be**
20 **calculated at the point of sale based on a price that is reduced by an amount equal to at**
21 **least one hundred percent of all rebates received, or to be received, in connection with the**
22 **dispensation or administration of the drug.**

23 **3. Nothing in this section shall preclude a health carrier from decreasing a covered**
24 **individual's defined cost-sharing by an amount greater than that required under**
25 **subsection 2 of this section.**

26 **4. In complying with the provisions of this section, no health carrier or any of its**
27 **agents shall be required to publish or otherwise reveal information regarding the actual**
28 **amount of rebates a health carrier receives on a product-specific, manufacturer-specific,**
29 **or pharmacy-specific basis. Such information shall be protected as a trade secret and shall**
30 **not be a public record under chapter 610. The state shall not disclose such information**
31 **directly or indirectly. A health carrier may impose the confidentiality protections of this**
32 **section on any vendor or other third party that performs health care or administrative**
33 **services on behalf of the health carrier and that may receive or have access to rebate**
34 **information.**

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