

CHAPTER 144**(HB 463)**

AN ACT relating to pharmacy benefits.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF SUBCHAPTER 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Cost sharing" means the cost to an individual insured under a health benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the plan;*

(b) *"Insurer" includes:*

1. *An insurer offering a health benefit plan providing coverage for pharmacy benefits; or*
2. *Any other administrator of pharmacy benefits under a health benefit plan;*

(c) *"Pharmacy" includes:*

1. *A pharmacy, as defined in KRS Chapter 315;*
2. *A pharmacist, as defined in KRS Chapter 315; or*
3. *Any employee of a pharmacy or pharmacist; and*

(d) *"Pharmacy benefit manager" has the same meaning as in KRS 304.17A-161.*

(2) *An insurer issuing or renewing a health benefit plan on or after the effective date of this Act or pharmacy benefit manager shall not:*

(a) *Require an insured purchasing a prescription drug to pay a cost-sharing amount greater than the amount the insured would pay for the drug if he or she were to purchase the drug without coverage under a health benefit plan;*

(b) *Prohibit a pharmacy from discussing any information under subsection (3) of this section; and*

(c) *Impose a penalty on a pharmacy for complying with this section.*

(3) *A pharmacist shall have the right to provide an insured information regarding the applicable limitations on his or her cost-sharing pursuant to this section for a prescription drug.*

(4) *Any amount paid by an insured under subsection (2)(a) of this section shall be attributable toward any annual out-of-pocket maximums under the insured's health benefit plan.*

➔Section 2. This Act takes effect January 1, 2019.

Signed by Governor April 10, 2018.