

1 AN ACT relating to pharmacy benefits.

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

3 ➔SECTION 1. A NEW SECTION OF SUBCHAPTER 17A OF KRS CHAPTER
4 304 IS CREATED TO READ AS FOLLOWS:

5 (1) As used in this section:

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

10 (b) "Insurer" includes:

11 1. An insurer offering a health benefit plan providing coverage for
12 pharmacy benefits; or

13 2. Any other administrator of pharmacy benefits under a health benefit
14 plan;

15 (c) "Pharmacy" includes:

16 1. A pharmacy, as defined in KRS Chapter 315;

17 2. A pharmacist, as defined in KRS Chapter 315; or

18 3. Any employee of a pharmacy or pharmacist; and

19 (d) "Pharmacy benefit manager" has the same meaning as in KRS 304.17A-
20 161.

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

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

27 (b) Prohibit a pharmacy from discussing any information under subsection (3)

- 1 *of this section; and*
- 2 *(c) Impose a penalty on a pharmacy for complying with this section.*
- 3 *(3) A pharmacist shall have the right to provide an insured information regarding*
- 4 *the applicable limitations on his or her cost-sharing pursuant to this section for a*
- 5 *prescription drug.*
- 6 *(4) Any amount paid by an insured under subsection (2)(a) of this section shall be*
- 7 *attributable toward any annual out-of-pocket maximums under the insured's*
- 8 *health benefit plan.*
- 9 ➔Section 2. This Act takes effect January 1, 2019.