

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 benefit manager" has the same meaning as in KRS 304.17A-
16 161; and

17 (d) "Pharmacy" includes:

18 1. A pharmacy;

19 2. A pharmacist licensed under KRS Chapter 218A; or

20 3. Any employee of a pharmacy or pharmacist.

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.