

# NATIONAL COMMUNITY PHARMACISTS ASSOCIATION

## 2012–2017 NCPA State Legislative Update

### Transparency

#### **Kentucky (2013) S.B. 107**

Kentucky Pharmacists successfully passed S.B. 107 through both chambers of the legislature by unanimous votes before being signed by Governor Steve Beshear (D).

#### **Arkansas (2013) S.B. 1138**

Arkansas' bill passed the Senate unanimously with one vote against in the House.

#### **North Dakota (2013) H.B. 1363**

North Dakota's legislation passed both chambers unanimously. Upon its final days within the legislative process Express Scripts supported the legislations movement.

#### **Texas (2013) S.B. 1106**

Texas' law provides for MAC Transparency under the Medicaid managed care program. This bill passed both chambers by unanimous votes.

#### **Oregon (2013) H.B. 2123 (MAC, Audit and PBM registration)**

Oregon's legislation passed both chambers by a unanimous vote and took numerous steps to reform the PBM/pharmacy relationship. Governor John Kitzhaber (D) signed the bill July 1, 2013. PBMs went neutral on the bill.

#### **Iowa (2014) H.F. 2297**

Iowa's legislation passed the House and Senate unanimously on Tuesday, March 4, 2014. The bill was signed by Governor Terry Branstad on March 14, 2014.

#### **New Mexico (2014) H.B. 126 (MAC and PBM Registration)**

New Mexico's bill passed the House unanimously. Governor Susana Martinez signed the bill in to law on March 5, 2014.

#### **Washington (2014) ESSB 6137 (MAC, Audit and PBM Registration)**

Washington's S.B. 6137 requires PBMs to register with the State Department of Revenue. It also reforms the practice of pharmacy audits and provides for increased MAC transparency. Governor Jay Inslee (D) signed the legislation on April 2, 2014.

#### **Utah (2014) H.B. 113**

Utah's H.B. 113 passed both chambers by unanimous votes before being signed by Governor Gary Herbert (R) on March 31, 2014.

#### **Tennessee (2014) S.B. 1991/H.B. 1554**

Tennessee's MAC legislation passed the House and Senate on April 14<sup>th</sup>. Governor Haslam signed the bill on May 16<sup>th</sup>.

#### **Maryland (2014) S.B. 952/H.B. 793**

Maryland's MAC legislation passed the House and Senate on April 5<sup>th</sup>. The legislation was signed into law on May 5, 2014.

#### **Colorado (2014) H.B. 14-1213**

Colorado's MAC legislation, very similar to Maryland's legislation, passed the second chamber (Senate) on April 28<sup>th</sup> and was signed by Governor Hickenlooper on June 6, 2014.

#### **Oklahoma (2014) H.B. 2100**

Oklahoma's PBM reform legislation, containing MAC transparency provisions, was signed by Governor Mary Fallin on May 12, 2014

#### **Louisiana (2014) S.B. 410**

Louisiana's MAC legislation was signed by Governor Bobby Jindal on May 30, 2014.

#### **Michigan (2014) S.B. 656**

Michigan's MAC legislation provides MAC transparency for state plans. The bill was signed by Governor Snyder on June 16, 2014.

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### **Minnesota (2014) Omnibus Budget Amendment**

Minnesota successfully enacted MAC transparency standards into an omnibus budget bill.

### **Virginia (2015) H.B. 2031**

The bill was signed by the Governor on March 27, 2015.

### **Arkansas (2015) S.B. 688 MAC Strengthen**

Governor Hutchinson signed S.B. 688 into law on April 1, 2015 which will strengthen Arkansas's existing MAC law (enacted in 2013).

### **Georgia (2015) H.B. 470**

Georgia's legislation took steps to strengthen the state's existing fair pharmacy audit law and implement MAC transparency standards. The Governor Deal signed the legislation on May 5, 2015.

### **Florida (2015) H.B. 1049**

This bill was signed by Governor Scott on June 10, 2015.

### **Montana (2015) S.B. 211**

This bill was signed by Governor Bullock on May 5, 2015.

### **Texas (2015) S.B. 332**

This bill was signed by Governor Abbott on June 16, 2015.

### **Ohio (2015) H.B. 64 – Budget Bill**

This bill was signed into law by Governor Kasich on June 30, 2015.

### **Hawaii (2015) H.B. 252**

This bill was signed by Governor Ige on July 2, 2015.

### **Wisconsin (2015) S.B. 21 – Budget Bill**

This bill was signed by Governor Walker on July 13, 2015.

### **California (2015) A.B. 627**

This bill was signed by Governor Brown on July 13, 2015.

### **New York (2015)\* S3346**

The bill was signed into law by Governor Cuomo on December 11, 2015 and implements a generic drug reimbursement appeals process.

### **New Jersey (2016) S 2301**

This bill was signed into law by Governor Christie on January 11, 2016.

### **Wyoming (2016) H.B. 35 (MAC, Audit, PBM Registration)**

This bill was signed into law by Governor Mead on March 7, 2016.

### **Kansas (2016) S.B. 103**

This bill was signed into law by Governor Brownback on March 23, 2016.

### **Tennessee (2016) S.B. 1789 MAC Appeal**

This bill was signed into law by Governor Haslam on March 23, 2016.

### **Kentucky (2016) S.B. 117 MAC Strengthen**

This bill was signed into law by Governor Bevin on April 9, 2016.

### **Maine (2016) L.D. 1150**

This bill was signed into law by Governor LePage on April 11, 2016.

### **South Carolina (2016) S. 849**

This bill was signed into law by Governor Haley on May 2, 2016.

### **Oklahoma (2016) S.B. 1150 MAC Strengthen**

This bill was signed into law by Governor Fallin on May 9, 2016.

### **New Hampshire (2016) H.B. 1664**

This bill was signed into law by Governor Hassan on June 3, 2016.

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### **Missouri (2016) S.B. 635**

This bill was signed into law by Governor Nixon on July 5, 2016.

### **Pennsylvania (2016) H.B. 946 (MAC, Audit, PBM Registration)**

This bill was signed into law by Governor Wolf on November 22, 2016.

### **Ohio (2017) S.B. 319 (MAC Strengthen)**

The bill was signed into law by Governor Kasich.

### **Montana (2017) H.B. 276 (MAC Strengthen)**

The bill was signed into law by Governor Bullock.

## Registration/Licensure

### **Oregon (2013) H.B. 2123 (MAC, Audit and PBM Registration)**

Oregon's H.B. 2123 requires PBMs to register with Oregon's Insurance Division. It also reforms the practice of pharmacy audits and provides for increased MAC transparency. Governor John Kitzhaber (D) signed the legislation July 1, 2013.

### **Washington (2014) ESSB 6137 (MAC, Audit and PBM Registration)**

Washington's S.B. 6137 requires PBMs to register with Washington State's Department of Revenue. It also reforms the practice of pharmacy audits and provides for increased MAC transparency. Governor Jay Inslee (D) signed the legislation April 2, 2014.

### **Oklahoma (2014) H.B. 2100**

Oklahoma's PBM reform legislation, requiring PBM registration, was signed by the Governor on May 12, 2014.

### **Wyoming (2016) H.B. 35 (MAC, Audit, PBM Registration)**

This bill was signed into law by Governor Mead on March 7, 2016.

### **Washington (2016) 5ESSSB 5857 (Registration /Regulation)**

This bill was signed into law by Governor Inslee on April 7, 2016.

### **Pennsylvania (2016) H.B. 946 (MAC, Audit, PBM Registration)**

This bill was signed into law by Governor Wolf on November 22, 2016.

## Anti-Mandatory Mail Order "AMMO"

### **Pennsylvania (2012) S.B. 201 / Act 207**

Act 207 prohibits a copayment, deductible, fee, limitation on benefits or other condition or requirement for the coverage of prescription drugs when not imposed on the covered individual with a mail order pharmacy. Pennsylvania became the second state in the nation to enact anti-mandatory mail order legislation following New York in 2011.

### **Hawaii (2013) H.B. 65**

H.B. 65 allows a retail pharmacy to enter into a contractual retail pharmacy network. This bill grants a patient the right to purchase their prescriptions at a contracted pharmacy instead of being required to purchase their medications through a mail order pharmacy owned by the PBM.

### **Arkansas (2015) S.B. 487**

This law addresses PBM registration as a third party administrator and will ideally develop a more structured pathway for PBM enforcement and oversight.

### **Georgia (2017) S.B. 103**

S.B. 103 Prohibits PBMs from requiring the use of mail-order pharmacies of insured individuals.

## Fair and Uniform Pharmacy Audits

### **New Fair and Uniform Audit Laws**

South Dakota: S.B. 133 signed 3/8/2013

Montana: S.B. 235 signed 3/28/2013

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Colorado: H.B. 13-1221 signed 4/8/2013  
Alabama: S.B. 283 (2012); effective 8/1/2012  
California: S.B. 1195 (2012); effective 1/1/2013  
Indiana: S.B. 407 (2012); effective 7/1/2012  
Louisiana: S.B. 756 (2012); effective 8/1/2012  
Minnesota: H.F. 1235/S.F. 973 (2012); effective 8/1/2012  
South Carolina: S.B. 1269 (2012); effective 1/1/2013  
Utah: H.B. 76 (2012); effective 5/8/2012  
Vermont: S.B. 200 (2012); effective 7/1/2012  
Texas: H.B. 1358 (2013); effective 9/1/2013  
Oregon: H.B. 2123 (2013); effective 1/1/2014  
New Hampshire: S.B. 38 (2013); effective 1/1/2014  
Virginia: H.B.108 (2014)  
Washington: ESSB 6137 (2014)  
Florida: S.B. 702 (2014) effective 10/1/2014  
Connecticut: S.B. 14 (2014); effective 10/1/2014  
Massachusetts: S.2286 (2014); effective 1/1/2015  
North Dakota: H.B. 1418; effective: 4/25/2011  
Kansas H.B. 2182 (2011); effective 6/9/2011  
Arkansas Title 17, Chapter 92; effective 4/3/2007  
Kentucky Chapter 304, Subtitle 17A, Sections 1-5; Effective 3/24/2009  
Missouri: Chapter 338 Section 338.600; effective 08/2009  
New Mexico: Chapter 61 – Article 11 61-11-18.2; Effective 7/01/2007  
North Carolina: Ch. SL 2011-375; Effective: 6/27/2011  
Oklahoma: Title 59, Section 356; Effective: 11/01/2008  
Ohio: S.B. 258 signed 12/18/2014  
Wyoming: H.B. 35 signed 3/1/2016  
Arizona: H.B. 2692 signed 5/27/2016  
West Virginia: S.B. 522 signed 5/23/2017

### Strengthened Pharmacy Audit Laws

Utah: S.B.194 signed 3/26/2014  
Mississippi: H.B. 1490 (2012); effective 7/1/2012  
Maryland: S.B. 903 (2012); effective 10/1/2012  
Maine: L.D. 44 (2013); signed 5/7/2013 effective 9/2013;  
Tennessee: S.B.63 signed 5/14/2014  
Georgia: H.B. 179 signed 5/6/2014  
Georgia: H.B.470 signed 5/5/2015

### Medication Synchronization

Vermont: (2014) BCBS and MVP Health Care agreed to implement prorated co-payments for patients who wish to begin a medication synchronization program.  
Colorado: HB 1359 (2014); effective 5/17/2014  
Oregon: SB 1579 (2014); effective 1/1/2015  
Utah: SB 210 (2014); effective 5/13/2014  
Arizona: SB 1288 (2015); effective 7/3/2015  
Kentucky: HB 140 (2015); effective 1/1/2016  
New Mexico: HB 274 (2015); effective 6/19/2015  
Washington: SB 5441/HB 1566 (2015); effective 7/24/2015  
Maine: LD 810 (2015)  
Connecticut: HB 5771 (2015); effective 7/1/2015  
North Carolina: HB 97 (2015); effective 1/1/2016  
New Jersey: A3331/S3111 (2015);  
North Carolina: HB 95 (2015); effective 7/30/2015  
Michigan: SB 150 (2016); effective 3/15/2017  
Ohio: HB 116 (2016); effective 6/1/2016  
Missouri: SB 865 (2016); effective 8/28/2016  
Pennsylvania: HB 2069 (2016) *only for PACE*  
Louisiana: BoP Promulgated Final Rule (2016)  
Texas: HB 1296 (2017); effective 9/1/2017  
Hawaii: HCR 164 (2017)  
Indiana: HB 1540 (2017); 7/1/2017  
New Hampshire: SB 64 (2017); 4/17/2017  
Oklahoma: HB 1824 (2017); 11/1/2017  
Florida: SB 800 (2017); effective 1/1/2018  
Idaho: BoP Rule 116 (2017)

### Direct and Indirect Remuneration Fees (DIRs) and Co-Pay Clawbacks

Louisiana: HB 864 (2016); effective 8/1/2016  
Georgia: SB 103 (2017); effective 7/1/2017  
North Dakota: SB 2258 (2017)  
Texas: SB 1076 (2017)

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**Community Pharmacy Legislative Victories**

<b>Issue</b>	<b>Number of States</b>
MAC Transparency	33 (*NY appeal process only)
Fair and Uniform Pharmacy Audits	38
Anti-Mandatory Mail Order	9 (PA, NY, HI, TX, CT, AR, MD, GA, LA—Medicaid and state employees only)
Registration/Licensure/Reporting	25
Medication Synchronization	25

**Contact**

If you wish to discuss community pharmacies legislative efforts in a particular state, please contact NCPA State Government Affairs at [Fara.Klein@ncpanet.org](mailto:Fara.Klein@ncpanet.org) or 703.838.2694.