



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0891

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

215 ILCS 5/Art. XXXIIB heading new
215 ILCS 5/521.1 new
215 ILCS 5/521.5 new

Amends the Illinois Insurance Code. Creates the Pharmacy Benefits Managers Article. Provides that a pharmacy or pharmacist shall have the right to provide an insured information regarding the amount of the insured's cost share for a prescription drug and that neither a pharmacy nor a pharmacist shall be penalized by a pharmacy benefits manager for discussing certain information or for selling a lower-priced drug to the insured if one is available. Provides that a pharmacy benefits manager shall not, through contract, prohibit a pharmacy from offering and providing direct and limited delivery services to an insured as an ancillary service of the pharmacy, as delineated in the contract between the pharmacy benefits manager and the pharmacy. Provides that a pharmacy benefits manager shall not charge, or attempt to collect from, an insured a copayment that exceeds the total charges submitted by the network pharmacy.

LRB101 05148 SMS 50160 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by adding
5 Article XXXIIB as follows:

6 (215 ILCS 5/Art. XXXIIB heading new)

7 ARTICLE XXXIIB. PHARMACY BENEFITS MANAGERS

8 (215 ILCS 5/521.1 new)

9 Sec. 521.1. Definitions. As used in this Article:

10 "Health benefit plan" means any accident and health
11 insurance policy or certificate; nonprofit hospital or medical
12 service corporation contract; health, hospital, or medical
13 service corporation plan contract; health maintenance
14 organization subscriber contract; plan provided by a multiple
15 employer welfare arrangement or plan provided by another
16 benefit arrangement, to the extent permitted by the federal
17 Employee Retirement Income Security Act of 1974.

18 "Insured" means an individual covered by a health benefit
19 plan.

20 "Insurer" means any entity that provides or offers a health
21 benefit plan.

22 "Pharmacist" has the same meaning given to that term in the

1 Pharmacy Practice Act.

2 "Pharmacy" has the same meaning given to that term in the
3 Pharmacy Practice Act.

4 "Pharmacy benefits manager" means an entity that contracts
5 with a pharmacy on behalf of an insurer or third-party
6 administrator to administer or manage prescription drug
7 benefits.

8 (215 ILCS 5/521.5 new)

9 Sec. 521.5. Consumer protections.

10 (a) A pharmacy or pharmacist shall have the right to
11 provide an insured information regarding the amount of the
12 insured's cost share for a prescription drug. Neither a
13 pharmacy nor a pharmacist shall be penalized by a pharmacy
14 benefits manager for discussing any information described in
15 this Section or for selling a lower-priced drug to the insured
16 if one is available.

17 (b) A pharmacy benefits manager shall not, through
18 contract, prohibit a pharmacy from offering and providing
19 direct and limited delivery services to an insured as an
20 ancillary service of the pharmacy, as delineated in the
21 contract between the pharmacy benefits manager and the
22 pharmacy.

23 (c) A pharmacy benefits manager shall not charge, or
24 attempt to collect from, an insured a copayment that exceeds
25 the total charges submitted by the network pharmacy.