

Bill Summary
2nd Session of the 59th Legislature

Bill No.:	HB 3376
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Author:	Sen. McCortney
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Bill Analysis

HB 3376 defines “covered entity” and “pharmacy benefits management” as they relate to the Patient’s Right to Pharmacy Choice Act. The measure clarifies that the Act shall not define an employer of its own self-funded health benefit plan as a pharmacy benefits manager (PBM). Additionally, the measure clarifies that nothing in the Patient's Right to Pharmacy Choice Act prohibits the Attorney General from requesting and obtaining detailed data in response to the information provided by a PBM in its quarterly report. The measure authorizes the Attorney General to subpoena witnesses and records during an investigation or prosecution of a complaint from any relevant entity or persons to ensure compliance with the Patient’s Right to Pharmacy Choice Act and the Pharmacy Audit Integrity Act.

The measure requires protected health information (PHI) held by a PBM to be provided at the request of the Attorney General. Disclosures made to the Attorney General shall be in compliance with all applicable federal and state privacy laws. The measure authorizes the Attorney General to instruct the Insurance Commissioner to censure or revoke a PBM’s license if the PBM does not cooperate during an investigation or prosecution. The Attorney General may levy a fine of \$100.00-\$10,000.00 for each violation as well as order the restitution of any economic loss. The measure also creates the Attorney General’s Pharmacy Benefits Manager Enforcement Revolving Fund to deposit any monies collected by the Attorney General relating to enforcement of the Patient’s Right to Pharmacy Choice Act and the Pharmacy Audit Integrity Act.

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