

**Bill Summary**  
2<sup>nd</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB 1390</b>
<b>Version:</b>	<b>CS</b>
<b>Request No.:</b>	<b>3533</b>
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**Bill Analysis**

SB 1390 defines covered entity and pharmacy benefits management within the Patient's Right to Pharmacy Choice Act. The measure clarifies that nothing in the Act shall prevent an employer from incentivizing their employees to use an employer-owned pharmacy provided the employee may use another in-network pharmacy of their choice. The measure also clarifies that the Attorney General may request detailed data in response to the information provided by a pharmacy benefits manager (PBM) in the quarterly reports. The measure provides that protected health information (PHI) held by a PBM shall be provided at the request of the Attorney General for the purpose of conducting investigations into potential violations of state laws. Disclosures made to the Attorney General shall be made in compliance with all applicable federal and state privacy laws. Additionally, the Attorney General may alter the frequency of the reports and may subpoena witnesses and records. If a PBM does not cooperate with an investigation or inquiry conducted by the Attorney General, the Attorney General may instruct the Insurance Commissioner that the PBM be censured or his or her license be revoked. The Attorney General may levy a fine of \$1,000.00 to \$10,000.00 for each violation. The measure empowers the Attorney General to collect all fines, penalties, restitutions relating to the Act and to deposit the proceeds into the newly created Attorney General's Pharmacy Benefits Manager Enforcement Revolving Fund. The measure authorizes the Attorney General to publish the findings of an examination report. Any documentation obtained by the Attorney General pursuant to the provisions of this measure shall be exempt from the Open Records Act and shall not be subject to subpoena or discovery in any private civil action.

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