

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

<b>Bill No.:</b>	<b>SB 1955</b>
<b>Version:</b>	<b>CS</b>
<b>Request No.:</b>	<b>3481</b>
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**Bill Analysis**

SB 1955 provides that a licensed pharmacy or pharmacist aggrieved by a violation of the Patient's Right to Pharmacy Choice Act related to pricing models or reimbursement rates by a pharmacy benefits manager (PBM) or the entity for which the PBM performs pharmacy benefits management shall have a cause of action against the PBM or entity to recover damages attributable to the violation. The measure authorizes the court to award court costs and reasonable attorney fees. The pharmacy or pharmacists must demonstrate that the disparity in reimbursement between the amount the PBM reimburses the plaintiff and the amount the PBM reimburses either a closely aligned pharmacy provider or any pharmacy provider that would be considered in competition with the plaintiff is financially harmful to the plaintiff while beneficial to the other provider. Plaintiffs shall be required to demonstrate at least 12 instances in a 90-day period to sustain the action. Alternatively, plaintiffs may present evidence that a PBM initiated an audit against the pharmacy or pharmacies in violation of the Pharmacy Audit Integrity Act. Other pharmacies or pharmacists with similar damages from the same PBM may join the action. Plaintiffs shall have rights of discovery to any relevant area that helps determine the existence of unfair, anti-competitive, or monopolistic actions on behalf of the PBM.

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