

BILL SUMMARY

1st Session of the 60th Legislature

Bill No.:	SB 789
Version:	FA1
Request Number:	13662
Author:	Stinson
Date:	5/6/2025
Impact:	Please see previous summary of this measure

Research Analysis

The floor substitute for SB 789 provides that the entity conducting the audit of a pharmacy will permit a pharmacy to use drug purchase records without limitation of date or source to validate the dispensing of a prescription drug or a controlled dangerous substance, provided that it was done in accordance with the law. The measure adds a definition of effective rate contracting to statute. The PBM must ensure that reimbursement to pharmacies for each drug dispensed follows the reimbursement formulas specified in the measure. These reimbursements will not apply to situations where a prescription claim is associated with a Worker's Compensation benefit. Effective rate contracting is prohibited in all agreements between pharmacies and a PBM. Any PBM in violation of this will be subject to penalties. The provisions of this section will not be waived, voided, or nullified by contract.

CHANGES IN THE FLOOR SUB VERSION FROM COMMITTEE SUB VERSION

The floor substitute for SB 789 changes the reimbursement amounts in the measure. Reimbursement to pharmacies for each drug dispensed will be 106% of the National Average Drug Acquisition Cost (NADAC), plus a professional fee of \$11.41 and the PBM must ensure that reimbursement to pharmacies for each brand drug will be 103% of NADAC plus the \$11.41 professional fee. If a drug does not have a NADAC price, the reimbursement will 100% of the wholesale acquisition cost plus a \$11.41 professional fee, a professional fee that will increase to \$15 for these particular brand-name drugs. The floor substitute also adds that this reimbursement will not apply in situations where a prescription claim is associated with a Worker's Compensation benefit. The Attorney General's office will enforcement authority over these prescription claim reimbursements.

Prepared By: Suzie Nahach, House Research Staff

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

Other Considerations

None.

