

Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of House Bill No. 1709

TO REQUIRE A PHARMACEUTICAL MANUFACTURER OR A WHOLESALE PHARMACY DISTRIBUTOR
THAT SELLS OR DISTRIBUTES INSULIN TO OFFER ENTITIES IN THIS STATE THE LOWEST
WHOLESALE PRICE FOR INSULIN.

Amendment No. 2 to House Bill 1709

Amend House Bill No. 1709 as engrossed H3/22/21 (version: 03/22/2021 10:02:00 AM):

Delete the title in its entirety and substitute:

"AN ACT TO PROVIDE GUIDELINES ON HOW
REBATES ARE OFFERED BY A PHARMACEUTICAL
MANUFACTURER THAT SELLS INSULIN IN THIS
STATE; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO PROVIDE GUIDELINES ON HOW REBATES ARE
OFFERED BY A PHARMACEUTICAL MANUFACTURER
THAT SELLS INSULIN IN THIS STATE."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 4, Chapter 86, Subchapter 1, is amended to add an additional section to read as follows:

4-86-111. Pharmaceutical manufacturer discounts for insulin –
Pharmaceutical manufacturer – Definition.

(a)(1) As used in this section, "pharmaceutical manufacturer discount" means a discount offered by a pharmaceutical manufacturer or an affiliate of a pharmaceutical manufacturer, directly or indirectly, on a prescription drug.

(2) "Pharmaceutical manufacturer discount" includes without limitation:

(A) Coupon cards;



(B) Price concessions;
(C) Rebates;
(D) Manufacturer administrative fees;
(E) Inflation payments;
(F) Product discounts or fees related to procurement of prescription drug inventories;
(G) Care management fees; and
(H) Any other fees that are paid by a pharmaceutical manufacturer to secure placement on a drug formulary or otherwise move market share of a prescription drug that is intended to reduce the net cost to a patient, consumer, or healthcare payor.

(b)(1) Except as provided in subdivision (b)(2) of this section, a pharmaceutical manufacturer or an affiliate of a pharmaceutical manufacturer is prohibited from providing a pharmaceutical manufacturer discount on any insulin product.

(2) A pharmaceutical manufacturer discount may be offered for an insulin product if the pharmaceutical manufacturer discount is:

(A) Provided directly to the end user in the form of a pharmaceutical manufacturer discount coupon card; and

(B) Adjudicated in real time using the National Council for Prescription Drug Programs claims transmission standard.

(3) A pharmaceutical manufacturer discount that is provided to an end user for an insulin product under subdivision (b)(2) of this section shall be processed before the submission of any claim to a health benefit plan, healthcare payor, pharmacy benefits manager, or any other similar entity.

(4) A healthcare payor, health benefit plan, or pharmacy benefits manager shall be required to process a claim for a covered individual secondarily or after the pharmaceutical manufacturer discount for the insulin product has been obtained for the patient at the point of prescription claims processing by a pharmacist licensed in this state.

(c) The Attorney General may:

(1) Investigate potential violations of this section; and

(2) Bring suit against a pharmaceutical manufacturer in violation of this section."

The Amendment was read _____

By: Representative Payton
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Chief Clerk