1	A D:11	H4/12/21
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3		HOUSE BILL 1709
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6		, Maddox, McNair, Miller, Milligan,
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9 10		titled
11	11 AN ACT TO PROVIDE GUIDELINES ON HOW	REBATES ARE
12		
13	13 INSULIN IN THIS STATE; AND FOR OTHE	R PURPOSES.
14	14	
15	15	
16	16 Subtitle	
17	17 TO PROVIDE GUIDELINES ON HOW F	REBATES ARE
18	18 OFFERED BY A PHARMACEUTICAL MA	NUFACTURER
19	19 THAT SELLS INSULIN IN THIS STA	ATE.
20	20	
21	21	
22	22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE ST	ATE OF ARKANSAS:
23	23	
24	24 SECTION 1. Arkansas Code Title 4, Chapte	r 86, Subchapter l, is amended
25	25 to add an additional section to read as follows	:
26	26 <u>4-86-111. Pharmaceutical manufacturer di</u>	<u>scounts for insulin —</u>
27	27 <u>Pharmaceutical manufacturer – Definition.</u>	
28	28 <u>(a)(1) As used in this section, "pharmac</u>	eutical manufacturer discount"
2 9	29 means a discount offered by a pharmaceutical ma	<u>nufacturer or an affiliate of</u>
30	30 <u>a pharmaceutical manufacturer, directly or indi</u>	rectly, on a prescription
31	31 <u>drug.</u>	
32	32 <u>(2) "Pharmaceutical manufacturer d</u>	iscount" includes without
33	33 <u>limitation:</u>	
34	34 <u>(A) Coupon cards;</u>	
35	35 <u>(B) Price concessions;</u>	
36	36 <u>(C)</u> Rebates;	



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1	(D) Manufacturer administrative fees;	
2	(E) Inflation payments;	
3	(F) Product discounts or fees related to procurement of	
4	prescription drug inventories;	
5	(G) Care management fees; and	
6	(H) Any other fees that are paid by a pharmaceutical	
7	manufacturer to secure placement on a drug formulary or otherwise move market	
8	share of a prescription drug that is intended to reduce the net cost to a	
9	patient, consumer, or healthcare payor.	
10	(b)(1) Except as provided in subdivision (b)(2) of this section, a	
11	pharmaceutical manufacturer or an affiliate of a pharmaceutical manufacturer	
12	is prohibited from providing a pharmaceutical manufacturer discount on any	
13	<u>insulin product.</u>	
14	(2) A pharmaceutical manufacturer discount may be offered for an	
15	insulin product if the pharmaceutical manufacturer discount is:	
16	(A) Provided directly to the end user in the form of a	
17	pharmaceutical manufacturer discount coupon card; and	
18	(B) Adjudicated in real time using the National Council	
19	for Prescription Drug Programs claims transmission standard.	
20	(3) A pharmaceutical manufacturer discount that is provided to	
21	an end user for an insulin product under subdivision (b)(2) of this section	
22	shall be processed before the submission of any claim to a health benefit	
23	plan, healthcare payor, pharmacy benefits manager, or any other similar	
24	<u>entity.</u>	
25	(4) A healthcare payor, health benefit plan, or pharmacy	
26	benefits manager shall be required to process a claim for a covered	
27	individual secondarily or after the pharmaceutical manufacturer discount for	
28	the insulin product has been obtained for the patient at the point of	
29	prescription claims processing by a pharmacist licensed in this state.	
30	(c) The Attorney General may:	
31	(1) Investigate potential violations of this section; and	
32	<u>(2) Bring suit against a pharmaceutical manufacturer in</u>	
33	violation of this section.	
34		
35	/s/Payton	
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