

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H3/22/21 H4/12/21 S4/15/21 S4/19/21
2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1709

4

5 By: Representatives Payton, Boyd, *Vaught, Barker, Beck, Bentley, Bragg, Cavanaugh, Cloud, Crawford,*
6 *Eaves, Evans, D. Garner, M. Gray, Hawks, Holcomb, Hollowell, Maddox, McNair, Miller, Milligan,*
7 *Richmond, Speaks, Wardlaw, Penzo, B. Smith*

8 By: Senators *D. Sullivan, K. Hammer, Flippo, Hill, Irvin, Rapert, Rice, D. Wallace*

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For An Act To Be Entitled

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AN ACT TO PROVIDE GUIDELINES ON HOW REBATES ARE

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OFFERED BY A PHARMACEUTICAL MANUFACTURER THAT SELLS

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INSULIN IN THIS STATE; AND FOR OTHER PURPOSES.

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Subtitle

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TO PROVIDE GUIDELINES ON HOW REBATES ARE

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OFFERED BY A PHARMACEUTICAL MANUFACTURER

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THAT SELLS INSULIN IN THIS STATE.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

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

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Pharmaceutical manufacturer – Definition.

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(a)(1) As used in this section, "pharmaceutical manufacturer discount"

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means a discount offered by a pharmaceutical manufacturer or an affiliate of

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a pharmaceutical manufacturer, directly or indirectly, on a prescription

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drug.

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(2) "Pharmaceutical manufacturer discount" includes without

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limitation:

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(A) Coupon cards;

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(B) Price concessions;

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(C) Rebates;



- 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 insulin product.

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 (c) The Attorney General may:

21 (1) Investigate potential violations of this section; and

22 (2) Bring suit against a pharmaceutical manufacturer in

23 violation of this section.

24 (d) This section does not apply to the Arkansas Medicaid Program.

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26 SECTION 2. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on

27 and after January 1, 2022.

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29 /s/Payton

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