
A BILL FOR AN ACT

RELATING TO PHARMACY BENEFIT MANAGERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to increase
2 transparency and promote, preserve, and protect the public
3 health, safety, and welfare by:

- 4 (1) Providing that a pharmacy benefit manager may not
5 prohibit a pharmacist or pharmacy from providing an
6 insured individual with information on the amount of
7 the insured's cost share for a prescription drug and
8 the clinical efficacy of a more affordable alternative
9 drug if one is available; and
- 10 (2) Preventing penalization of a pharmacy or pharmacist
11 for sharing such information.

12 SECTION 2. Chapter 431S, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§431S- Gag clause prohibited. A pharmacy benefit
16 manager may not prohibit a pharmacist or pharmacy from providing
17 an insured individual with information on the amount of the



1 insured's cost share for the insured's prescription drug and the
2 clinical efficacy of a more affordable alternative drug if one
3 is available. Neither a pharmacy nor a pharmacist shall be
4 penalized by a pharmacy benefit manager for disclosing such
5 information to an insured or for selling to an insured a more
6 affordable alternative if one is available."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Pharmacy Benefit Managers; Prescription Drug; Information;
Prohibition

Description:

Provides that a pharmacy benefit manager may not prohibit the sharing of an insured individual's cost share for a prescription drug and clinical efficacy of a more affordable alternative drug and prevents penalization of a pharmacy or pharmacist for sharing such information. (SB1401 HD1)

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