
A BILL FOR AN ACT

RELATING TO PRESCRIPTION DRUG BENEFITS.

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

1 SECTION 1. Chapter 431R, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§431R- Retail community pharmacies; outside of retail
5 pharmacy network; geographic exemption. (a) Notwithstanding
6 sections 431R-2 and 431R-3, whenever the residence of a
7 beneficiary is ten or more miles away from the nearest retail
8 community pharmacy that is part of the pharmacy benefit
9 manager's retail pharmacy network, the beneficiary may obtain a
10 prescription from any retail community pharmacy located within
11 ten miles of the beneficiary's residence.

12 (b) If a beneficiary utilizes a non-network retail
13 community pharmacy pursuant to subsection (a), no prescription
14 drug benefit plan, health benefits plan under chapter 87A, or
15 pharmacy benefit manager who has entered into a contractual
16 retail pharmacy network agreement with a retail community
17 pharmacy shall:



H.B. NO. 1672

- 1 (1) Impose upon the beneficiary a copayment, fee, or other
2 condition not imposed upon beneficiaries electing to
3 utilize a mail order pharmacy or a retail community
4 pharmacy that is part of the pharmacy benefit
5 manager's retail pharmacy network;
- 6 (2) Subject any prescription dispensed by the non-network
7 retail community pharmacy to the beneficiary to a
8 minimum or maximum quantity limit, length of script,
9 restriction on refills, or requirement to obtain
10 refills not imposed upon a mail order pharmacy or a
11 retail community pharmacy that is part of the pharmacy
12 benefit manager's retail pharmacy network;
- 13 (3) Require the beneficiary in whole or in part to pay for
14 any prescription dispensed by the non-network retail
15 community pharmacy and seek reimbursement, if the
16 beneficiary is not required to pay for and seek
17 reimbursement in the same manner for a prescription
18 dispensed by a mail order pharmacy or a retail
19 community pharmacy that is part of the pharmacy
20 benefit manager's retail pharmacy network;



1 (4) Subject the beneficiary to any administrative
2 requirement in using a non-network retail community
3 pharmacy that is not imposed upon the use of a mail
4 order pharmacy or a retail community pharmacy that is
5 part of the pharmacy benefit manager's retail pharmacy
6 network; or

7 (5) Impose any other term, condition, or requirement
8 pertaining to the use of the services of a non-network
9 retail community pharmacy that materially and
10 unreasonably interferes with or impairs the right of
11 the beneficiary to obtain prescriptions from a retail
12 community pharmacy of the beneficiary's choice."

13 SECTION 2. Section 431R-5, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) The insurance commissioner may assess a fine of up to
16 \$10,000 for each violation by a pharmacy benefit manager or
17 prescription drug benefit plan provider who is in violation of
18 section 431R-2 [~~e~~], 431R-3 [~~r~~], or 431R- . In addition, the
19 insurance commissioner may order the pharmacy benefit manager to
20 take specific affirmative corrective action or make
21 restitution."



H.B. NO. 1672

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Debra A. Kellum

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JAN 20 2016



H.B. NO. 1672

Report Title:

Prescription Drugs Benefits; Non-network Pharmacies

Description:

Authorizes a beneficiary of a prescription drug benefit plan to obtain a prescription without penalty from a non-network retail community pharmacy located within ten miles of the beneficiary's residence, if the nearest network retail community pharmacy is located over ten miles away.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

