WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4062

BY DELEGATES PACK, HILL, BATES, AND FLEISCHAUER

AND C. THOMPSON

[Introduced January 08, 2020; Referred to the

Committee on Health and Human Resources.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §33-51-11, relating to reducing the cost of prescription drugs; and requiring certain compensation received from a pharmaceutical manufacturer, developer or labeler to be used for benefit of covered persons.

Be it enacted by the Legislature of West Virginia:

ARTICLE 51. PHARMACY AUDIT INTEGRITY ACT.

§33-51-11. Responsibility to use compensation for benefit of covered persons.

(a) All compensation remitted by or on behalf of a pharmaceutical manufacturer, developer or labeler, directly or indirectly, to a carrier, or to a pharmacy benefits manager under contract with a carrier, related to its prescription drug benefits must be:

(1) Remitted directly to the covered person at the point of sale to reduce the out of pocket cost to the covered person associated with a particular prescription drug; or

(2) Remitted to, and retained by, the carrier. Compensation remitted to the carrier must be applied by the carrier in its plan design and in future plan years to offset the premium for covered persons.

(b) Beginning January 1, 2021 and annually after that, a carrier shall file with the commissioner a report in the manner and form determined by the commissioner demonstrating how the carrier has complied with this section.

NOTE: The purpose of this bill is to reduce the cost of prescription drugs by requiring a pharmacy benefit manager to pass through to the consumer certain compensation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.