

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2166

BY DELEGATES PACK AND FLEISSCHAUER

[Introduced February 10, 2021; Referred to the
Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated, §33-51-11, relating to reducing the cost of prescription drugs; and requiring
 3 certain compensation received from a pharmaceutical manufacturer, developer, or labeler
 4 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.

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

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

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

9 (b) Beginning January 1, 2022, and annually after that, a carrier shall file with the
 10 commissioner a report in the manner and form determined by the commissioner demonstrating
 11 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.