

# HB367 INTRODUCED



1 I83XWW-1  
2 By Representatives Rigsby, Kiel, Faulkner, Sellers, Colvin,  
3 Moore (P), Carns, Marques, Gidley, Stubbs, Shirey, Lamb  
4 RFD: Insurance  
5 First Read: 20-Apr-23  
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SYNOPSIS:

This bill would authorize a pharmacist to decline to dispense a drug to a covered individual if the pharmacist will be reimbursed for the drug in an amount that is less than the pharmacist's cost to acquire the drug.

This bill would also authorize a pharmacist to discuss matters relating to a pharmacy claim with a covered individual.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to pharmacists; to amend Section 27-45A-7, Code of Alabama 1975; to authorize a pharmacist to decline to fill a prescription if the pharmacist will be reimbursed for the drug in an amount that is less than the pharmacist's acquisition cost; and to prohibit a pharmacist from being restricted from discussing matters relating to a pharmacy claim with a patient.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 27-45A-7, Code of Alabama 1975, is amended to read as follows:



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29           "§27-45A-7

30           ~~Reserved.~~ Notwithstanding any other provision of this  
31 chapter, if a pharmacy benefits manager reimburses a pharmacy  
32 or pharmacist at a cost below the pharmacy's acquisition cost  
33 of a specific drug, a pharmacy or pharmacist may do either of  
34 the following:

35           (1) Decline to provide dispensing services to the  
36 covered individual for the drug and allow the individual to  
37 seek the drug from another pharmacy.

38           (2) Discuss alternatives with the covered individual.  
39 The pharmacist shall not be restricted when communicating with  
40 a covered individual regarding a prescription being filled  
41 regardless of payment type, including, but not limited to,  
42 payment by cash, third party, insurance, or charity, or  
43 through a workers' compensation claim. The pharmacist may  
44 disclose any relevant information to the covered individual,  
45 including cost, reimbursement, alternative therapy, or other  
46 information deemed necessary by the professional judgment of  
47 the pharmacist or needed to complete a business transaction."

48           Section 2. This act shall become effective on the first  
49 day of the third month following its passage and approval by  
50 the Governor, or its otherwise becoming law.