

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Smallwood

1 Amend reengrossed bill, page 24, after line 5 insert:

2 "(f) NOTHING IN THIS SUBSECTION (5.5) PROHIBITS A CARRIER OR  
3 PBM FROM IMPOSING PRIOR AUTHORIZATION REQUIREMENTS FOR A  
4 PRESCRIPTION DRUG THAT:

5 (I) HAS AN AVERAGE WHOLESALE PRICE OF FIVE THOUSAND  
6 DOLLARS OR MORE PER PRESCRIPTION, PER DISPENSING, OR PER DOSE;

7 (II) PRESENTS PATIENT SAFETY CONCERNS IF NOT PRESCRIBED BY  
8 A SPECIALIST OR PRESCRIBING PROVIDER WITH A SPECIFIC BOARD  
9 CERTIFICATION;

10 (III) HAS A MORE COST-EFFECTIVE ALTERNATIVE OPTION,  
11 INCLUDING A GENERIC EQUIVALENT OR A DRUG THAT IS A BIOSIMILAR, AS  
12 DEFINED IN 42 U.S.C. SEC. 262 (i)(2), TO THE PRESCRIBED DRUG; OR

13 (IV) IS PRONE TO FRAUD, WASTE, OR ABUSE, INCLUDING A  
14 STIMULANT, AN OPIOID, A PAIN MANAGEMENT MEDICATION, A  
15 GLUCAGON-LIKE PEPTIDE 1 ANTAGONIST, A SPECIALTY MEDICATION, AND  
16 GENE THERAPIES, AND THE MANAGEMENT OF THE DRUG THROUGH PRIOR  
17 AUTHORIZATION REQUIREMENTS ASSISTS THE CARRIER OR PBM IN  
18 AVOIDING WASTE IN THE SYSTEM AND PREVENTING SHORTAGES OF THE  
19 DRUG FOR COVERED PERSONS WHO NEED THE DRUG.

20 (g) AS USED IN THIS SUBSECTION (5.5), "AVERAGE WHOLESALE  
21 PRICE" MEANS THE AVERAGE PRICE PAID BY A RETAILER OR PRESCRIBING  
22 PROVIDER TO BUY A PRESCRIPTION DRUG FROM A WHOLESALER."

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