

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Bradley

1 Amend printed bill, page 4, after line 14 insert:

2 "(5)(a) THE DIVISION SHALL CONTRACT WITH AN ACTUARIAL FIRM
3 TO STUDY THE COST IMPLICATIONS OF IMPLEMENTING THIS SECTION ON A
4 COMMERCIAL, FULLY INSURED MARKET AND SHALL COMPLETE THE STUDY
5 ON OR BEFORE JULY 1, 2027. SUBSECTIONS (1) TO (4) OF THIS SECTION DO
6 NOT TAKE EFFECT UNLESS THE ACTUARIAL STUDY PROJECTS THE COST
7 IMPLICATIONS TO REFLECT A PREMIUM INCREASE OF EQUAL TO OR MORE
8 THAN ONE-HALF OF ONE PERCENT. THE COMMISSIONER SHALL NOTIFY THE
9 REVISOR OF STATUTES, IN WRITING, OF THE RESULTS OF THE STUDY, AND,
10 IF APPLICABLE, THE EFFECTIVE DATE OF THIS SECTION, BY EMAILING THE
11 NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV.

12 (b) THE STUDY MUST INCLUDE THE COST IMPLICATIONS OF
13 PROHIBITING A PBM FROM:

14 (I) (A) EARNING ANY INCOME THAT IS DIRECTLY OR INDIRECTLY
15 BASED ON THE COST OF A PRESCRIPTION DRUG, INCLUDING INCOME FROM
16 PRESCRIPTION DRUG MARK-UPS, COPAYMENTS THAT EXCEED THE COST OF
17 PRESCRIPTION DRUGS, UP-CHARGING OF SPREAD-PRICING, GROUP
18 PURCHASING ORGANIZATION REVENUES, MANUFACTURER-DERIVED
19 REVENUES, OR ANY OTHER ARRANGEMENTS CONCERNING THE PRICING OF
20 PRESCRIPTION DRUGS; OR

21 (B) DESIGNING A PRESCRIPTION DRUG FORMULARY TO FAVOR A
22 CERTAIN BRANDED PHARMACEUTICAL OR BIOLOGIC OVER A
23 THERAPEUTICALLY EQUIVALENT GENERIC OR BIOSIMILAR, UNLESS THE
24 BRANDED PHARMACEUTICAL OR BIOLOGIC HAS A LOWER DISCOUNTED NET
25 ACQUISITION COST AND THAT LOWER COST IS REFLECTED IN A LOWER
26 OUT-OF-POCKET EXPENSE FOR CONSUMERS; AND

27 (II) REQUIRING A PBM TO REIMBURSE AN INDEPENDENT OR
28 UNAFFILIATED PHARMACY OR A PBM-AFFILIATED RETAIL, MAIL ORDER, OR
29 SPECIALTY PHARMACY FOR THE FULFILLMENT OF A PRESCRIPTION DRUG IN
30 AN AMOUNT EQUAL TO THE COST FOR THE DISPENSED PRESCRIPTION DRUG
31 INGREDIENTS AND A REASONABLE AND ADEQUATE DISPENSING FEE IF THE
32 NATIONAL AVERAGE DRUG ACQUISITION COST IS NOT AVAILABLE."

33 Renumber succeeding subsection accordingly.

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