

FIRST REGULAR SESSION

# SENATE BILL NO. 384

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time March 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1808S.011

## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to pharmacy benefit managers.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 537, RSMo, is amended by adding thereto one new  
2 section, to be known as section 537.135, to read as follows:

**537.135. 1. As used in this section, the following terms shall  
2 mean:**

3 **(1) "Pharmacy benefit manager", a person or entity other than a  
4 pharmacy or pharmacist acting as an administrator in connection with  
5 pharmacy benefits;**

6 **(2) "Switch communication", a communication to a patient or the  
7 patient's physician from a health carrier or pharmacy benefit manager  
8 that recommends a patient's medication or device be switched by the  
9 original prescribing practitioner to a different medication than the  
10 medication or device originally prescribed by the prescribing  
11 practitioner.**

12 **2. A pharmacy benefit manager shall be civilly liable to a patient  
13 for any switch communication, decision, denial or action that damages  
14 the patient. Such patient may bring a civil action against the pharmacy  
15 benefit manager to recover the actual damages sustained by the  
16 patient, court costs, including reasonable attorney's fees, and punitive  
17 damages, when determined to be appropriate by the court.**

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