

FIRST REGULAR SESSION

# SENATE BILL NO. 449

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time February 26, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2253S.011

## AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to out-of-pocket costs for prescription drug benefits.

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

Section A. Chapter 376, RSMo, is amended by adding thereto one new  
2 section, to be known as section 376.448, to read as follows:

**376.448. 1. (1) As used in this section, unless the context clearly  
2 indicates otherwise, terms shall have the same meanings as ascribed to  
3 them in section 376.1350.**

**4 (2) As used in this section, the term "flat-fee drug copayment  
5 plan" shall mean a health benefit plan that utilizes a pre-deductible  
6 flat-fee copayment structure for the entire drug benefit at all tiers, and  
7 does not require a deductible or any coinsurance amount with regard  
8 to drug benefits.**

**9 2. (1) Notwithstanding any provision of law to the contrary, no  
10 later than January 1, 2020, each health carrier shall ensure that no less  
11 than twenty-five percent of health benefit plans it offers within each  
12 service area and at each metal level as defined in 42 U.S.C. 18022, if  
13 applicable, are flat-fee drug copayment plans. If a health carrier offers  
14 fewer than four health benefit plans within a service area or in a  
15 service area and metal level, the carrier shall ensure that at least one  
16 plan offered is a flat-fee drug copayment plan.**

**17 (2) The copayment structure for flat-fee drug copayment plans  
18 shall be reasonably graduated and proportionately related in all tier  
19 levels such that the copayment structure as a whole does not  
20 discriminate against or discourage the enrollment of individuals with  
21 significant health care needs.**

22           **(3) Health carriers shall clearly and appropriately name all flat-**  
23 **fee drug copayment plans to aid consumers and sponsors in selecting**  
24 **a health benefit plan.**

25           **(4) Carriers shall market flat-fee drug copayment plans in the**  
26 **same manner as other plans. With respect to group plans, carriers shall**  
27 **ensure each group or plan sponsor has the option to purchase a flat-fee**  
28 **drug copayment plan.**

29           **3. The department of insurance, financial institutions, and**  
30 **professional registration may promulgate rules as necessary to**  
31 **implement the provisions of this section. Any rule or portion of a rule,**  
32 **as that term is defined in section 536.010 that is created under the**  
33 **authority delegated in this section shall become effective only if it**  
34 **complies with and is subject to all of the provisions of chapter 536, and,**  
35 **if applicable, section 536.028. This section and chapter 536 are**  
36 **nonseverable and if any of the powers vested with the general assembly**  
37 **pursuant to chapter 536, to review, to delay the effective date, or to**  
38 **disapprove and annul a rule are subsequently held unconstitutional,**  
39 **then the grant of rulemaking authority and any rule proposed or**  
40 **adopted after August 28, 2019, shall be invalid and void.**

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