

# SENATE BILL NO. 814

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

3332S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to prescription insulin drugs.

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

Section A. Chapter 376, RSMo, is amended by adding thereto  
2 one new section, to be known as section 376.2027, to read as  
3 follows:

**376.2027. 1. As used in this section, the following  
2 terms shall mean:**

3 (1) "Defined cost-sharing", a deductible payment or  
4 coinsurance amount imposed on a covered individual for a  
5 covered prescription drug under the enrollee's health  
6 benefit plan;

7 (2) "Drug", the same meaning as is ascribed to such  
8 term in section 376.1350;

9 (3) "Enrollee", the same meaning as is ascribed to  
10 such term in section 376.1350;

11 (4) "Health benefit plan", the same meaning as is  
12 ascribed to such term in section 376.1350;

13 (5) "Health carrier", the same meaning as is ascribed  
14 to such term in section 376.1350;

15 (6) "Prescription insulin drug", a drug that contains  
16 insulin and is used to control blood glucose levels to treat  
17 diabetes, except that such term shall not include an insulin  
18 drug that is administered to a patient intravenously;

19           (7) "Pharmacy", the same meaning as is ascribed to  
20 such term in section 338.210;

21           (8) "Rebate", any discount, negotiated concession, or  
22 other payment provided by a pharmaceutical manufacturer,  
23 pharmacy, or health benefit plan to an entity to sell,  
24 provide, pay, or reimburse a pharmacy or other entity in the  
25 state for the dispensing or administration of drugs on  
26 behalf of itself or another entity;

27           (9) "Trade secret", the same meaning as is ascribed to  
28 such term in section 417.4523.

29           2. An enrollee's defined cost-sharing for each  
30 prescription insulin drug shall be calculated at the point  
31 of sale based on a price that is reduced by an amount equal  
32 to at least one hundred percent of all rebates received, or  
33 to be received, in connection with the dispensing or  
34 administration of the drug.

35           3. Nothing in this section shall preclude a health  
36 carrier from decreasing a covered individual's defined cost-  
37 sharing by an amount greater than that required under  
38 subsection 2 of this section.

39           4. In complying with the provisions of this section,  
40 no health carrier or its agents shall be required to publish  
41 or otherwise reveal information regarding the actual amount  
42 of rebates a health carrier receives on a product,  
43 manufacturer, or pharmacy-specific basis. Such information  
44 shall be protected as a trade secret, shall not be a public  
45 record under chapter 610, and shall not be disclosed  
46 directly or indirectly. A health carrier shall impose the  
47 confidentiality protections of this section on any vendor or  
48 other third party that performs health care or  
49 administrative services on behalf of the health carrier and  
50 which may receive or have access to rebate information.

51           5. If any provision of this section or the application  
52 thereof to anyone or to any circumstance is held invalid,  
53 the remainder of this section and the application of such  
54 provisions to others or other circumstances shall not be  
55 affected thereby.

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