

2021 -- S 0236

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - PHARMACIES

Introduced By: Senator Walter S. Felag

Date Introduced: February 10, 2021

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 5-19.1 of the General Laws entitled "Pharmacies" is hereby amended  
2 by adding thereto the following section:

3           **5-19.1-36. Prescription drug price savings.**

4           (a) Pharmacists when dispensing a prescription shall advise the individual presenting the  
5 prescription of every substitute drug containing all the same active chemical ingredients of the same  
6 strength, quantity, and dosage available at a lesser cost, unless ordered by the prescribing physician  
7 to dispense as brand name necessary on the prescription form pursuant to § 5-19.1-19. The  
8 pharmacists' advice required by this section shall include, but not be limited to, informing the  
9 individual presenting the prescription if a drug would cost less if the individual paid out-of-pocket,  
10 rather than through the individual's health insurance.

11           (b) The provisions in subsection (a) of this section shall not apply if the pharmacist is  
12 automatically charging the individual presenting the prescription with the lowest price active  
13 chemical ingredients of the same strength, quantity, and dosage.

14           (c) A plan sponsor, health insurance issuer, or pharmacy benefit manager shall not:

15           (1) Prohibit a pharmacist from disclosing the information described in subsection (a) of  
16 this section to an individual presenting a prescription;

17           (2) Penalize a pharmacy or a pharmacist for disclosing the information described in  
18 subsection (a) of this section to an individual presenting a prescription or for selling a more  
19 affordable alternative to an individual presenting a prescription; or

1           (3) Require a pharmacy or a pharmacist to charge or collect a copayment from an individual  
2 presenting a prescription that exceeds the total charges submitted by the network pharmacy.

3           (d) Communication by and between a pharmacist and patient or the patient's authorized  
4 representative shall be confidential health care communication and disclosed only pursuant to the  
5 provisions of chapter 37.3 of title 5.

6           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would require pharmacists to advise of less expensive generic drug alternatives
- 2           except when a physician orders to dispense as brand name necessary. This act also requires the
- 3           pharmacist to advise when a drug would cost less if paid for out-of-pocket without using insurance.
- 4           This act would take effect upon passage.

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