

MISSISSIPPI LEGISLATURE

2018 Regular Session

To: Public Health and Human Services

By: Representatives Mims, Sykes, Bain, Sanford, Mettetal, Eubanks,
Holloway, Gibbs (72nd), Arnold

House Bill 709

(As Sent to Governor)

AN ACT TO CODIFY NEW SECTIONS 73-21-201 THROUGH 73-21-205, MISSISSIPPI CODE OF 1972, TO CREATE THE PRESCRIPTION DRUGS CONSUMER AFFORDABLE ALTERNATIVE PAYMENT OPTIONS ACT; TO PROVIDE FOR PHARMACIST COMMUNICATION WITH PATIENTS; TO PROVIDE THAT COMPLIANCE WITH THIS ACT SHALL NOT CONSTITUTE A VIOLATION OF ANY CONTRACT OR ANY AGREEMENT TO WHICH THE PHARMACIST OR PHARMACY IS A PARTY; TO PROVIDE THAT A PHARMACIST, HIS AGENTS AND EMPLOYEES SHALL NOT BE LIABLE FOR ANY ACT OR FAILURE TO ACT UNDER THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 73-21-201, Mississippi Code of 1972:

73-21-201. Sections 73-21-201 through 73-21-205 shall be known as the "Prescription Drugs Consumer Affordable Alternative Payment Options Act."

SECTION 2. The following shall be codified as Section 73-21-203, Mississippi Code of 1972:

73-21-203. **Definitions.** For the purposes of Sections 73-21-201 through 73-21-205:

(a) "Board" shall have the same definition as provided in Section 73-21-73.

(b) "Pharmacist," "pharmacist services" and "pharmacy" or "pharmacies" shall have the same definitions as provided in Section 73-21-73.

(c) "Pharmacy benefit manager" shall have the same definition as provided in Section 73-21-179.

SECTION 3. The following shall be codified as Section 73-21-205, Mississippi Code of 1972:

73-21-205. (1) (a) Pharmacists may provide additional information to a patient to allow them an opportunity to consider affordable alternative payment options when acquiring their prescription medication.

(b) Any provision of any contract or agreement contrary to the provisions of this act shall be considered in violation of public policy and shall be void.

(2) Compliance with this section shall not constitute a violation of any contract or provision of any agreement to which the pharmacist or pharmacy is a party.

(3) Neither the board, any pharmacy benefit manager nor any third party shall penalize a pharmacist for acting or failing to act under this section, nor shall a pharmacist or his agents or employees be liable for any act or failure to act under this section.

SECTION 4. This act shall take effect and be in force from and after July 1, 2018.