

CHAPTER 257

AN ACT concerning pharmacy benefits managers and pharmacies and supplementing P.L.2015, c.179 (C.17B:27F-1 et seq.), P.L.2003, c.280 (C.45:14-40 et seq.), and Title 26 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.17B:27F-6 Regulations relative to pharmacy benefits manager.

1. a. A pharmacy benefits manager, in connection with any contract or arrangement with a private health insurer, prescription benefit plan, or the State Health Benefits Program or School Employees' Health Benefits Program, shall not require a covered person to make a payment at the point of sale for any amount for a deductible, coinsurance payment, or a copayment for a prescription drug benefit in an amount that exceeds the amount the covered person would pay for the prescription drug if the covered person purchased the prescription drug without using a health benefits plan.

b. A pharmacy benefits manager shall not prohibit a network pharmacy from disclosing, and shall not apply a penalty or any other type of disincentive to a network pharmacy that discloses, to a covered person lower cost prescription drug options, including those that are available to the covered person if the covered person purchases the prescription drug without using health insurance coverage.

c. Any provision of a contract that conflicts with the provisions of subsection b. of this section shall be void and unenforceable.

d. A violation of this section shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.), and shall also be subject to any enforcement action that the Commissioner of Banking and Insurance is authorized to take pursuant to section 5 of P.L.2015, c.179 (C.17B:27F-5).

C.45:14-67.3 Information given by pharmacist to patient.

2. Notwithstanding any law or contract to the contrary, a pharmacist at a pharmacy practice site shall inform each patient, at the time of taking an order from a patient for home delivery or at the time of dispensing a prescription drug to the patient at the practice site:

a. of the lowest cost option for the prescription drug; and

b. whether there is an alternative drug that is less expensive and interchangeable with the prescription drug, and if needed, that the consumer can discuss with the prescribing health care provider whether the alternative drug would be appropriate for the consumer.

C.26:2S-10.9 Regulations for benefits carrier relative to prescription drug benefits.

3. a. A carrier that provides benefits for prescription drugs shall not require a covered person to make a payment at the point of sale for any amount for a deductible, coinsurance payment, or a copayment for a prescription drug benefit in an amount that exceeds the amount the covered person would pay for the prescription drug if the covered person purchased the prescription drug without using a health benefits plan.

b. A carrier shall not prohibit a network pharmacy from disclosing, and shall not apply a penalty or any other type of disincentive to a network pharmacy that discloses, to a covered person lower cost prescription drug options, including those that are available to the covered person if the covered person purchases the prescription drug without using health insurance coverage.

c. Any provision of a contract that conflicts with the provisions of subsection b. of this section shall be void and unenforceable.

d. A violation of this section shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.), and shall also be subject to any enforcement action that the Commissioner of Banking and Insurance is authorized to take pursuant to section 5 of P.L.2015, c.179 (C.17B:27F-5) .

C.45:14-67.4 Public information campaign.

4. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall develop a public information campaign to educate consumers in this State about their right to ask a pharmacist about the lowest cost option for any prescription drug .

As part of the information campaign, the director shall develop a method that informs consumers about these rights, in a highly visible location near the point of purchase for prescription drugs. The director shall integrate the consumer notification with other consumer informational requirements for pharmacists.

5. This act shall take effect on the 90th day next following enactment.

Approved August 23, 2019.