

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4062**

BY DELEGATES PACK, HILL, BATES, AND FLEISCHAUER

AND C. THOMPSON

[Introduced January 08, 2020; Referred to the  
Committee on Health and Human Resources.]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated, §33-51-11, relating to reducing the cost of prescription drugs; and requiring  
3 certain compensation received from a pharmaceutical manufacturer, developer or labeler  
4 to be used for benefit of covered persons.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 51. PHARMACY AUDIT INTEGRITY ACT.**

**§33-51-11. Responsibility to use compensation for benefit of covered persons.**

1 (a) All compensation remitted by or on behalf of a pharmaceutical manufacturer, developer  
2 or labeler, directly or indirectly, to a carrier, or to a pharmacy benefits manager under contract  
3 with a carrier, related to its prescription drug benefits must be:

4 (1) Remitted directly to the covered person at the point of sale to reduce the out of pocket  
5 cost to the covered person associated with a particular prescription drug; or

6 (2) Remitted to, and retained by, the carrier. Compensation remitted to the carrier must be  
7 applied by the carrier in its plan design and in future plan years to offset the premium for covered  
8 persons.

9 (b) Beginning January 1, 2021 and annually after that, a carrier shall file with the  
10 commissioner a report in the manner and form determined by the commissioner demonstrating  
11 how the carrier has complied with this section.

NOTE: The purpose of this bill is to reduce the cost of prescription drugs by requiring a pharmacy benefit manager to pass through to the consumer certain compensation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.