

* * * Pharmacy Benefit Managers; 340B Entities * * * (NEW)

15 Sec. 5. 18 V.S.A. § 9473 is amended to read: 16 § 9473.

(d) A pharmacy benefit manager shall not:

(1) require a claim for a drug to include a modifier to indicate that the drug is a 340B drug unless the claim is for payment, directly or indirectly, by Medicaid; or

(2) restrict access to a pharmacy network or adjust reimbursement rates based on a pharmacy's participation in a 340B contract pharmacy arrangement.

(3) The Department of Financial Regulation and the Attorney General's office shall report to the Legislature on January 15, 2022 on possible state approaches to the developing issue of pharmaceutical manufacturers ceasing to pay rebates to commercially insured Vermonters for drugs dispensed by a 340B pharmacy, any update to federal Health and Human Services policy in this area, and the financial impact to commercially insured Vermonters and 340B pharmacies of these changes.

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(4) Effective Date: These provisions shall take effect immediately and expire on December 31, 2022 unless otherwise modified or extended.