

South Carolina General Assembly
122nd Session, 2017-2018

A177, R192, H5038

STATUS INFORMATION

General Bill

Sponsors: Reps. Atwater, Bradley, Howard, Thayer, Gagnon, Huggins, Hewitt, McGinnis, Hayes, Willis, Spires, Ballentine, G.M. Smith, Sandifer, Norrell, Henderson, Toole, Erickson, Cobb-Hunter, Ott, Ridgeway, McEachern, Douglas, Rutherford, Bernstein, W. Newton, Clary, Anthony, Wheeler, Anderson, Kirby, Alexander, Tallon and Elliott

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Companion/Similar bill(s): 815, 5044

Introduced in the House on March 1, 2018

Introduced in the Senate on March 27, 2018

Last Amended on March 21, 2018

Passed by the General Assembly on April 26, 2018

Governor's Action: May 3, 2018, Signed

Summary: Pharmacy benefit manager

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
3/1/2018	House	Introduced and read first time (House Journal-page 17)
3/1/2018	House	Referred to Committee on Labor, Commerce and Industry (House Journal-page 17)
3/1/2018	House	Member(s) request name added as sponsor: Bradley, Howard, Thayer, Gagnon, Huggins, Hewitt, McGinnis, Hayes, Willis, Spires, Ballentine, G.M.Smith, Sandifer, Norrell, Henderson, Toole, Erickson, Cobb-Hunter, Ott, Ridgeway, McEachern, Douglas, Rutherford, Bernstein, W.Newton, Clary, Anthony, Wheeler, Anderson, Kirby, Alexander, Tallon, Elliott
3/8/2018	House	Committee report: Favorable with amendment Labor, Commerce and Industry (House Journal-page 111)
3/20/2018	House	Debate adjourned until Wed., 3-21-18 (House Journal-page 50)
3/21/2018	House	Amended (House Journal-page 37)
3/21/2018	House	Read second time (House Journal-page 37)
3/21/2018	House	Roll call Yeas-107 Nays-0 (House Journal-page 38)
3/22/2018	House	Read third time and sent to Senate (House Journal-page 11)
3/27/2018	Senate	Introduced and read first time (Senate Journal-page 11)
3/27/2018	Senate	Referred to Committee on Banking and Insurance (Senate Journal-page 11)
4/18/2018	Senate	Recalled from Committee on Banking and Insurance (Senate Journal-page 7)
4/25/2018	Senate	Read second time (Senate Journal-page 35)
4/25/2018	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 35)
4/26/2018	Senate	Read third time and enrolled (Senate Journal-page 19)
5/1/2018		Ratified R 192
5/3/2018		Signed By Governor
5/11/2018		Effective date 05/03/18
5/14/2018		Act No. 177

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VERSIONS OF THIS BILL

[3/1/2018](#)

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(A177, R192, H5038)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-2150 SO AS TO ESTABLISH PROHIBITED ACTS FOR A PHARMACY BENEFIT MANAGER.

Be it enacted by the General Assembly of the State of South Carolina:

Pharmacy benefit manager, prohibited acts

SECTION 1. Article 20, Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38-71-2150. A pharmacy benefit manager may not:

(1) prohibit a pharmacist or pharmacy from providing an insured information on the amount of the insured’s cost share for a prescription drug. A pharmacist or pharmacy may not be penalized by a pharmacy benefit manager for discussing such information to an insured or for selling a more affordable alternative to the insured if one is available;

(2) prohibit a pharmacist or pharmacy from offering and providing direct and limited delivery services to an insured as an ancillary service of the pharmacy;

(3) charge or collect a copayment from an insured that exceeds the total submitted charges by the network pharmacy;

(4) charge or hold a pharmacist or pharmacy responsible for a fee relating to the adjudication of a claim unless the fee is reported on the remittance advice of the adjudicated claim or is set out in contract between the pharmacy benefits manager and the pharmacy. This section does not apply with respect to claims under an employee benefit plan under the Employee Retirement Income Security Act of 1974 or Medicare Part D; or

(5) penalize or retaliate against a pharmacist or pharmacy for exercising rights provided pursuant to the provisions of this chapter.”

Time effective

SECTION 2. This act takes effect upon approval of the Governor.

Ratified the 1st day of May, 2018.

Approved the 3rd day of May, 2018.
