

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

To: Public Health and Human
Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 709

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

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

11 **SECTION 1.** The following shall be codified as Section
12 73-21-201, Mississippi Code of 1972:

13 73-21-201. Sections 73-21-201 through 73-21-205 shall be
14 known as the "Prescription Drugs Consumer Affordable Alternative
15 Payment Options Act."

16 **SECTION 2.** The following shall be codified as Section
17 73-21-203, Mississippi Code of 1972:

18 73-21-203. **Definitions.** For the purposes of Sections
19 73-21-201 through 73-21-205:

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



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

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

27 **SECTION 3.** The following shall be codified as Section
28 73-21-205, Mississippi Code of 1972:

29 73-21-205. (1) (a) Pharmacists may provide additional
30 information to a patient to allow them an opportunity to consider
31 affordable alternative payment options when acquiring their
32 prescription medication.

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

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

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

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

