

By: Senator(s) Wiggins

To: Medicaid

SENATE BILL NO. 2733

1 AN ACT TO CREATE THE MISSISSIPPI WHOLESALE PRESCRIPTION DRUG
2 IMPORTATION PROGRAM; TO PROVIDE THAT THE DIVISION OF MEDICAID
3 SHALL ESTABLISH THE PROGRAM TO PROVIDE PRESCRIPTION DRUGS
4 AVAILABLE OUTSIDE OF THE UNITED STATES TO CONSUMERS IN THE STATE
5 AT A LOWER COST; TO REQUIRE THE DIVISION TO CONTRACT WITH ONE OR
6 MORE PRESCRIPTION DRUG WHOLESALERS AND CANADIAN SUPPLIERS TO
7 IMPORT PRESCRIPTION DRUGS; TO REQUIRE THE DIVISION TO DEVELOP A
8 REGISTRATION PROCESS FOR HEALTH BENEFIT PLANS; TO REQUIRE
9 PROVIDERS AND PHARMACIES TO OBTAIN AND DISPENSE SUCH DRUGS; TO
10 REQUIRE THE DIVISION TO COMPLY WITH CERTAIN FEDERAL LAWS
11 REGULATING SUCH PROGRAMS; TO PROVIDE THAT A PRESCRIPTION DRUG MAY
12 BE IMPORTED INTO THE STATE ONLY IF THE DRUG MEETS F.D.A. STANDARDS
13 AND DOES NOT VIOLATE FEDERAL PATENT LAWS, AMONG OTHER
14 REQUIREMENTS; TO REQUIRE THE DIVISION TO MONITOR ANY POTENTIAL
15 ANTICOMPETITIVE ACTIVITIES AFFECTED BY THE PROGRAM; TO AUTHORIZE
16 THE DIVISION TO IMPOSE A FEE ON EACH PRESCRIPTION DRUG SOLD UNDER
17 THE PROGRAM; TO REQUIRE THE DIRECTOR OF THE DIVISION TO DEVELOP
18 AUDITING PROCEDURES; TO REQUIRE THE DIVISION TO SUBMIT A REPORT ON
19 THE PROGRAM TO THE LEGISLATURE AND GOVERNOR EACH YEAR; AND FOR
20 RELATED PURPOSES.

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

22 **SECTION 1.** This chapter shall be known and may be cited as
23 the "Mississippi Wholesale Prescription Drug Importation Program."

24 **SECTION 2.** As used in this chapter, the following words and
25 phrases have the meanings ascribed herein, unless the context
26 clearly indicates otherwise:



27 (a) "Canadian supplier" means a manufacturer, wholesale
28 distributor, or pharmacy that is appropriately licensed or
29 permitted under Canadian federal or provincial laws and rules to
30 manufacture, distribute, or dispense prescription drugs.

31 (b) "Division" means the Mississippi Division of Medicaid.

32 (c) "Prescription drug wholesaler" means a person licensed
33 as a wholesale distributor under Section 73-21-73 that contracts
34 with this state to import prescription drugs under the program.

35 (d) "Program" means the wholesale prescription drug
36 importation program established under this chapter.

37 **SECTION 3.** (1) The division shall establish the wholesale
38 prescription drug importation program to provide lower cost
39 prescription drugs available outside of the United States to
40 consumers in this state at the lower cost.

41 (2) The division shall implement the program by:

42 (a) Contracting with one (1) or more prescription drug
43 wholesalers and Canadian suppliers to import prescription drugs
44 and provide prescription drug cost savings to consumers in this
45 state;

46 (b) Developing a registration process for health
47 benefit plan issuers, health care providers, and pharmacies to
48 obtain and dispense prescription drugs imported under the program;

49 (c) Developing a list of prescription drugs, including
50 the prices of those drugs, that meet the requirements of 21 USC
51 384 and publishing the list on the division website;



52 (d) Establishing an outreach and marketing plan to
53 generate program awareness;

54 (e) Establishing and administering a telephone call
55 center or electronic portal to provide information about the
56 program;

57 (f) Ensuring the program and the prescription drug
58 wholesalers that contract with this state under subsection (1)
59 comply with the tracking, tracing, verification and identification
60 requirements of 21 USC 360;

61 (g) Prohibiting the distribution, dispensing, or sale
62 of prescription drugs imported under this chapter outside the
63 boundaries of this state; and

64 (h) Performing any other duties the executive director
65 determines necessary to implement the program.

66 (3) The division shall ensure that the program meets the
67 requirements of 21 USC 384.

68 (4) In developing the program, the division may consult with
69 interested parties.

70 **SECTION 4.** (1) A prescription drug may be imported into
71 this state under the program only if the drug:

72 (a) Meets the United States Food and Drug
73 Administration's standards related to prescription drug safety,
74 effectiveness, misbranding and adulteration;

75 (b) Does not violate any federal patent laws through
76 its importation;



- 77 (c) Is expected to generate cost savings for consumers;
78 and
79 (d) Is not:
80 (i) Listed as a controlled substance under state or
81 federal law;
82 (ii) A biological product;
83 (iii) An infused drug;
84 (iv) An intravenously injected drug;
85 (v) A drug that is inhaled during surgery; or
86 (vi) A parenteral drug.

87 **SECTION 5.** The division shall identify and monitor any
88 potential anticompetitive activities in industries affected by the
89 program.

90 **SECTION 6.** In addition to money appropriated by the
91 Legislature, the division may impose a fee on each prescription
92 drug sold under the program or establish another funding method to
93 administer the program.

94 **SECTION 7.** The executive director by rule shall develop
95 procedures to effectively audit a prescription drug wholesaler
96 participating in the program.

97 **SECTION 8.** (1) Not later than December 1 of each year, the
98 division shall submit a report to the Governor and the Legislature
99 regarding the operation of the program during the preceding state
100 fiscal year, including:



101 (a) Which prescription drugs and Canadian suppliers are
102 included in the program;

103 (b) The number of health benefit plan issuers, health
104 care providers, and pharmacies participating in the program;

105 (c) The number of prescriptions dispensed through the
106 program;

107 (d) The estimated cost savings to consumers, health
108 plans, employers, and this state since the establishment of the
109 program and during the preceding state fiscal year;

110 (e) Information regarding the implementation of audit
111 procedures; and

112 (f) Any other information:

113 (i) The Governor or the Legislature requests; or

114 (ii) The division considers necessary.

115 **SECTION 9.** This act shall take effect and be in force from
116 and after July 1, 2024.

