

By: Senator(s) Kirby

To: Public Health and Welfare

SENATE BILL NO. 2076

1 AN ACT TO CODIFY 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 PURSUANT TO THIS
 9 ACT; 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, Mississippi
 14 Code of 1972, shall be known as the "Prescription Drugs Consumer
 15 Affordable Alternative 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 purposes of Sections 73-21-201
 19 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, including, but not limited to, the cost
33 and clinical efficacy of more affordable alternatives if
34 available.

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

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

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



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

