

**List of Sections: House Article 5 – Prescription Drugs  
Senate Article 4 - Prescription Drugs and Opiates**

House section	Senate section	Cost?	Description	Comparison
Art. 12, sec. 1	1		Opiate epidemic response fund: clarification related to the deposit into the Opiate Epidemic Response Fund of settlement payments from consulting firms working for opioid manufacturers and wholesalers.	Different approaches: House strikes specific reference to opioid manufacturers and wholesalers so that the language applies to opioid settlements generally; Senate adds references to consulting firms working for an opioid manufacturer or wholesaler.
1-6, 13-14			Prohibits drug manufacturers from imposing excessive price increases on generic or off-patent drugs, and from withdrawing a drug to avoid this prohibition; requires state agencies to notify the manufacturer, the attorney general, and the Board of Pharmacy of excessive price increases; allows the attorney general to take action against violations and also makes violations grounds for disciplinary action by the Board of Pharmacy.	House only
	2		Creates incentives for drug manufacturers to use the importation pathway for certain prescription drug products that meet federal importation guidelines.	Senate only

House section	Senate section	Cost?	Description	Comparison
7			Requires health carriers to offer 25 percent of their individual and small group plans with a pre-deductible, flat dollar copay for drugs.	House only
8, 20			Requires health plan companies to make their formularies available 30 days before annual renewal dates; limits the extent to which drugs can be removed from the formulary during a contract term and provides that changes that increase an enrollee's cost do not apply for the duration of the contract term. Requires DHS managed care and county-based purchasing plans to comply with these requirements. Exempts SEGIP coverage.	House only
9, 11, 12, 21			Limits the extent to which a PBM or health carrier can give preferential treatment to a single biological product. If a PBM or health carrier does this, it must also provide equivalent coverage to reference, biosimilar, or interchangeable biological products with a wholesale acquisition cost that is less than the single product. Requires the commissioner of health to study the effect of these requirements on the net price of biological products and report to the legislature.	House only
10	3		Prohibits a PBM or health carrier from prohibiting a pharmacy from discussing drug acquisition cost and reimbursement information with a patient; also prohibits a PBM from prohibiting a pharmacy from discussing reimbursement information with a health carrier.	Identical
	4-6		Decreases the licensure fees for medical gas manufacturers and wholesalers from \$5,260 to \$260	Senate only
	7	\$	Exempts opiates used for medication assisted therapy for substance use disorder from being calculated as opiate units when determining whether an opiate manufacturer is subject to the annual opiate registration fee.	Senate only
15, 22			Requires mail order or specialty pharmacies to comply with manufacturer temperature requirements when mailing a drug to a patient, and develop policies and procedures consistent with national standards. § 22 requires the Board of Pharmacy to report to the legislature on requiring in each package a method of detecting improper storage or temperature violations.	House only

House section	Senate section	Cost?	Description	Comparison
16-19	8-11		Makes changes in the operation of the drug repository program, including allowing donation of over-the-counter drugs and allowing the sharing of inventories with other state drug donation programs.	Identical
Art. 12, sec. 19	12		Appropriations from the Opiate Epidemic Response Fund	Differences: House requires funds for social service agencies and certain grants to be distributed on a calendar year basis (Senate keeps distribution on a fiscal year basis); Senate makes a conforming change in this section that, along with a Senate rider, makes funding for Results First evaluations and ECHO projects ongoing.
	Art. 1, sec. 11		Specifies that any funds received by the state as a result of a settlement agreement against a consulting firm working for an opioid manufacturer or wholesaler shall be counted towards the \$250,000,000 amount that triggers the sunset of the opiate licensing fees and the opiate registration fee.	Senate only
	13	\$	Exempts injectable opiate products distributed to a hospital or hospital pharmacy from being counted as opiate units when determining whether an opiate manufacturer is required to pay the opiate registration fee due on June 20, 2021. Requires MMB to transfer into the opiate epidemic response fund an amount equal to the estimated revenue lost due to this exemption.	Senate only