**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 815**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Gambrell, Shealy, Senn and McLeod

Document Path: l:\council\bills\bbm\9692cz18.docx

Companion/Similar bill(s): 5038, 5044

Introduced in the Senate on January 9, 2018

Introduced in the House on March 8, 2018

Last Amended on March 1, 2018

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Pharmacy benefit managers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/6/2017 Senate Prefiled

12/6/2017 Senate Referred to Committee on **Banking and Insurance**

1/9/2018 Senate Introduced and read first time ([Senate Journal‑page 67](file:///h:\sj\20180109.docx))

1/9/2018 Senate Referred to Committee on **Banking and Insurance** ([Senate Journal‑page 67](file:///h:\sj\20180109.docx))

2/20/2018 Senate Committee report: Favorable with amendment **Banking and Insurance** ([Senate Journal‑page 11](file:///h:\sj\20180220.docx))

3/1/2018 Senate Committee Amendment Adopted ([Senate Journal‑page 20](file:///h:\sj\20180301.docx))

3/1/2018 Senate Read second time ([Senate Journal‑page 20](file:///h:\sj\20180301.docx))

3/1/2018 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 19](file:///h:\sj\20180301.docx))

3/2/2018 Scrivener's error corrected

3/7/2018 Senate Read third time and sent to House ([Senate Journal‑page 19](file:///h:\sj\20180307.docx))

3/8/2018 House Introduced and read first time ([House Journal‑page 20](file:///h:\hj\20180308.docx))

3/8/2018 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 20](file:///h:\hj\20180308.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=815&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/6/2017](file:///p:\pprever\2017-18\815_20171206.docx)

[2/20/2018](file:///p:\pprever\2017-18\815_20180220.docx)

[3/1/2018](file:///p:\pprever\2017-18\815_20180301.docx)

[3/2/2018](file:///p:\pprever\2017-18\815_20180302.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT ADOPTED

March 1, 2018

**S. 815**

Introduced by Senators Gambrell, Shealy, Senn and McLeod

S. Printed 3/1/18--S. [SEC 3/2/18 3:45 PM]

Read the first time January 9, 2018.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑2150 SO AS TO ESTABLISH PROHIBITED ACTS FOR PHARMACY BENEFIT MANAGERS AND TO PROVIDE EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 38‑71‑2130, RELATING TO THE DUTIES OF A PHARMACY BENEFIT MANAGER, SO AS TO REQUIRE A PHARMACY BENEFIT MANAGER TO REIMBURSE A PROVIDER WITHIN SEVEN BUSINESS DAYS OF PAYMENT BY A PAYOR.

Amend Title To Conform

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

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.”

SECTION 2. This act takes effect on July 1, 2018.

‑‑‑‑XX‑‑‑‑