

PURPOSE OF BILL: SB 103

To create the Pharmacy Nondiscrimination Act; to require pharmacy benefits managers to accept any pharmacy or pharmacist willing to accept relevant and reasonable terms of participation; and to declare an emergency.

ACTUARIAL STATEMENT

The Fiscal Impact Statement was prepared according to generally accepted actuarial principles and practices, in compliance with ACT 112. The Statement provides an estimate of the financial and actuarial effect of the proposed change(s) on the Plans, if possible. The Statement makes no comment or opinion with regard to the merits of the measure for which the Statement is prepared; however, any identified technical or mechanical defects have been noted.

We have reviewed the input and results of our analysis for reasonableness and relied upon the data and information provided by the Plans and their Claims Processing Contractors.

A handwritten signature in black ink, appearing to read "Patrick Klein".

3/10/2025

Patrick Klein, FSA, MAAA
Vice President, Segal

Date

A handwritten signature in black ink, appearing to read "Matthew Kersting".

3/10/2025

Matthew Kersting, FSA, MAAA
Vice President, Segal

Date

PROJECTED COSTS

Plan	Plan Design Change	Estimated Cost/(Savings)
EBD	No Change	No Impact

PRICING APPROACH AND COMMENTS

Senate Bill 103 or “The Pharmacy Nondiscrimination Act” seeks to ensure fair access to healthcare providers and promote competition and choice among consumers.

SB 103 would require PBMs to accept any pharmacy or pharmacist willing to accept and comply with the relevant and reasonable terms of participation. The bill would prohibit PBMs from imposing terms/conditions that do not meet the definition of "relevant and reasonable terms of participation." It also would prohibit practices that indirectly exclude willing pharmacies or pharmacists.

The bill would allow for pharmacies or pharmacists to submit written complaints if they believe they have been wrongfully excluded from a PBM network. Finally, the bill would establish penalties for noncompliance, including fines up to \$100,000 per violation.

SB 103 would not have a financial impact on EBD as it is already on the broadest Navitus network, and the plan allows specialty to be filled at any pharmacy.