**South Carolina General Assembly**

122nd Session, 2017-2018

**A177, R192, H5038**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Atwater, Bradley, Howard, Thayer, Gagnon, Huggins, Hewitt, McGinnis, Hayes, Willis, Spires, Ballentine, G.M. Smith, Sandifer, Norrell, Henderson, Toole, Erickson, Cobb‑Hunter, Ott, Ridgeway, McEachern, Douglas, Rutherford, Bernstein, W. Newton, Clary, Anthony, Wheeler, Anderson, Kirby, Alexander, Tallon and Elliott

Document Path: l:\council\bills\nbd\11250cz18.docx

Companion/Similar bill(s): 815, 5044

Introduced in the House on March 1, 2018

Introduced in the Senate on March 27, 2018

Last Amended on March 21, 2018

Passed by the General Assembly on April 26, 2018

Governor's Action: May 3, 2018, Signed

Summary: Pharmacy benefit manager

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/1/2018 House Introduced and read first time ([House Journal‑page 17](file:///h:\hj\20180301.docx))

3/1/2018 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 17](file:///h:\hj\20180301.docx))

3/1/2018 House Member(s) request name added as sponsor: Bradley, Howard, Thayer, Gagnon, Huggins, Hewitt, McGinnis, Hayes, Willis, Spires, Ballentine, G.M.Smith, Sandifer, Norrell, Henderson, Toole, Erickson, Cobb‑Hunter, Ott, Ridgeway, McEachern, Douglas, Rutherford, Bernstein, W.Newton, Clary, Anthony, Wheeler, Anderson, Kirby, Alexander, Tallon, Elliott

3/8/2018 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 111](file:///h:\hj\20180308.docx))

3/20/2018 House Debate adjourned until Wed., 3‑21‑18 ([House Journal‑page 50](file:///h:\hj\20180320.docx))

3/21/2018 House Amended ([House Journal‑page 37](file:///h:\hj\20180321.docx))

3/21/2018 House Read second time ([House Journal‑page 37](file:///h:\hj\20180321.docx))

3/21/2018 House Roll call Yeas‑107 Nays‑0 ([House Journal‑page 38](file:///h:\hj\20180321.docx))

3/22/2018 House Read third time and sent to Senate ([House Journal‑page 11](file:///h:\hj\20180322.docx))

3/27/2018 Senate Introduced and read first time ([Senate Journal‑page 11](file:///h:\sj\20180327.docx))

3/27/2018 Senate Referred to Committee on **Banking and Insurance** ([Senate Journal‑page 11](file:///h:\sj\20180327.docx))

4/18/2018 Senate Recalled from Committee on **Banking and Insurance** ([Senate Journal‑page 7](file:///h:\sj\20180418.docx))

4/25/2018 Senate Read second time ([Senate Journal‑page 35](file:///h:\sj\20180425.docx))

4/25/2018 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 35](file:///h:\sj\20180425.docx))

4/26/2018 Senate Read third time and enrolled ([Senate Journal‑page 19](file:///h:\sj\20180426.docx))

5/1/2018 Ratified R 192

5/3/2018 Signed By Governor

5/11/2018 Effective date 05/03/18

5/14/2018 Act No. 177

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5038&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/1/2018](file:///p:\pprever\2017-18\5038_20180301.docx)

[3/8/2018](file:///p:\pprever\2017-18\5038_20180308.docx)

[3/21/2018](file:///p:\pprever\2017-18\5038_20180321.docx)

[4/18/2018](file:///p:\pprever\2017-18\5038_20180418.docx)

(A177, R192, H5038)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑2150 SO AS TO ESTABLISH PROHIBITED ACTS FOR A PHARMACY BENEFIT MANAGER.**

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

**Pharmacy benefit manager, prohibited acts**

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.”

**Time effective**

SECTION 2. This act takes effect upon approval of the Governor.

Ratified the 1st day of May, 2018.

Approved the 3rd day of May, 2018.

\_\_\_\_\_\_\_\_\_\_