

HB 961 – PRESCRIPTION DRUG COSTS

Key Provisions of the Bill



This legislation, sponsored by Rep. **Jackie Toledo** (R-Tampa) and prime co-sponsored by Rep. **Randy Fine** (R-Melbourne), directly addresses predatory practices by Pharmacy Benefit Managers (PBMs) that sidestep free-market principles and force consumers to pay higher prescription drug prices. By requiring transparency and accountability, this measure will increase Floridians' access to prescription medications while lowering costs.

The bill addresses specific abuses including:

- **Self-Dealing or “Steering”** – PBMs often steer patients to pharmacies that they own and then pay those pharmacies more per prescription than they pay other network or independent neighborhood pharmacies. By putting a stop to these anti-competitive practices, the bill will help expand pharmacy access for consumers.
- **Lower Drug Prices** – PBMs frequently collect rebates offered by pharmaceutical companies but then fail to pass on the savings to payors who then must pass on the lower prescription prices to consumers. The bill will require that savings reach consumers' pockets, not just those of the PBMs.
- **Spread Pricing** – There is often a large gap between what PBMs charge a health plan for a prescription medication and how much they reimburse the pharmacy that actually provides it to consumers – and PBMs regularly keep the difference. Reimbursements to neighborhood pharmacies are often too low, making it difficult for them to sustain their business. These monopolistic practices limit access for Floridians. The bill ensures that the reimbursements will be determined by actual costs – not what will generate the most profit for PBMs.
- **Fair Consumer Rebates** – The negotiated price of a prescription medication often differs from the list price. The bill requires that consumer co-pays or co-insurance amounts are based on the final negotiated price, rather than the typically higher original list price.
- **Unfair and Deceptive Trade Practices** – Anti-competitive practices push neighborhood pharmacies out of business, limiting patient access to the pharmacy of their choice. The bill will protect patient access and ensure accountability by:
 - Prohibiting PBMs from blocking pharmacies that want to tell the Legislature about drug prices, contract terms, etc. – and more importantly, prohibiting retaliation by the PBMs.
 - Prohibiting PBMs from reimbursing pharmacies less than the actual cost of the drug.
 - Requiring PBMs to disclose all conflicts of interest and to have a fiduciary duty to the payor.
 - Requiring PBMs to disclose all income from rebates, discounts, etc., and requiring such financial benefits passed through in full to the payor – and ultimately to the consumer – to reduce the cost of prescription drugs.
 - Denying PBMs the ability to stifle competition through practices that require new pharmacies to wait a year or more to join a network or prevent them from joining the network at all.