

Senate Bill 338

By: Senators Murphy of the 27th, Hawkins of the 49th, Thomas of the 54th, Heath of the 31st, Williams of the 19th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,
2 relating to general provisions relating to insurance generally, so as to prohibit prior
3 authorization for a prescription drug which a drug manufacturer provides to a community
4 pharmacy at the lowest price of a pricing structure; to provide for definitions; to provide for
5 related powers and duties; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
9 general provisions relating to insurance generally, is amended by adding a new Code section
10 to read as follows:

11 "33-24-59.13.

12 (a) As used in this Code section, the term:

13 (1) 'Health benefit plan or policy' means any individual or group plan, policy, or contract
14 for health care services issued, delivered, issued for delivery, or renewed in this state,
15 including, but not limited to, by a health care corporation, health maintenance
16 organization, preferred provider organization, accident and sickness insurer, fraternal
17 benefit society, hospital service corporation, medical service corporation, workers'
18 compensation insurance carrier in accordance with Chapter 9 of Title 34, other insurer
19 or similar entity, the state health benefit plan under Article 1 of Chapter 18 of Title 45,
20 the medical assistance program under Article 7 of Chapter 4 of Title 49, the PeachCare
21 for Kids Program under Article 13 of Chapter 5 of Title 49, or any other health benefit
22 plan or policy administered by or on behalf of the state.

23 (2) 'Insurer' means a health care corporation, health maintenance organization, preferred
24 provider organization, accident and sickness insurer, fraternal benefit society, hospital
25 service corporation, medical service corporation, workers' compensation insurance
26 carrier in accordance with Chapter 9 of Title 34, managed care plan other than a dental

1 plan, or any similar entity authorized to issue contracts under Title 33 and shall also
2 include the state for purposes of the state health benefit plan under Article 1 of Chapter
3 18 of Title 45, the medical assistance program under Article 7 of Chapter 4 of Title 49,
4 the PeachCare for Kids Program under Article 13 of Chapter 5 of Title 49, or any other
5 health benefit plan or policy administered by or on behalf of the state.

6 (3) 'Prescription drug' has the meaning provided by Code Section 26-4-5.

7 (b) No health benefit plan or policy issued, delivered, issued for delivery, or renewed in
8 this state by an insurer shall require prior approval for a prescription drug."

9 **SECTION 2.**

10 All laws and parts of laws in conflict with this Act are repealed.