

House Bill 369

By: Representatives Stephens of the 164<sup>th</sup>, Harden of the 147<sup>th</sup>, Carter of the 159<sup>th</sup>, Parrish of the 156<sup>th</sup>, and Parham of the 141<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to  
2 unfair or deceptive practices in consumer transactions and examples, so as to provide that the  
3 use of a pharmacy benefit manager to favor any pharmacy for the filling or refilling of  
4 prescriptions shall be an unfair and deceptive practice; to amend Code Section 26-4-110.1  
5 of the Official Code of Georgia Annotated, relating to definitions, licenses required, and  
6 condition for licensing, so as to provide that it shall be unlawful for any pharmacy benefit  
7 manager to require the use of or to favor any pharmacy in approving the use of any  
8 prescription drug; to provide an effective date; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to unfair or  
13 deceptive practices in consumer transactions and examples, is amended in subsection (b) by  
14 replacing the period with a semicolon at the end of paragraph (30.1), by striking "or" at the  
15 end of paragraph (32), by replacing the period with "; or" at the end of paragraph (33), and  
16 by adding a new paragraph to read as follows:

17 "(34) For any person or company to favor the use of a particular pharmacy or chain or  
18 pharmacies through a pharmacy benefit manager in violation of Code Section  
19 26-4-110.1."

20 **SECTION 2.**

21 Code Section 26-4-110.1 of the Official Code of Georgia Annotated, relating to definitions,  
22 licenses required, and condition for licensing, is amended by adding a new subsection to read  
23 as follows:

24 "(c) Each enrollee is entitled to exercise free choice in selecting his or her pharmacy. It  
25 shall be unlawful for any pharmacy benefit manager, either directly or indirectly, to require

26 or encourage the use of, or to favor in any way, a particular pharmacy or chain of  
27 pharmacies in approving the use of a prescription drug."

28 **SECTION 3.**

29 This Act shall become effective upon its approval by the Governor or upon its becoming law  
30 without such approval.

31 **SECTION 4.**

32 All laws and parts of laws in conflict with this Act are repealed.