

House Bill 810

By: Representatives Jasperse of the 11th, Hawkins of the 27th, Taylor of the 173rd, Stephens of the 164th, Newton of the 127th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 64 of Title 33 of the Official Code of Georgia Annotated, relating to
2 regulation and licensure of pharmacy benefits managers and Article 7 of Chapter 4 of Title
3 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as
4 to require that final reimbursements to pharmacies for prescription drugs are based on certain
5 formulas; to provide for applicability; to provide for related matters; to provide for an
6 effective date and applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 64 of Title 33 of the Official Code of Georgia Annotated, relating to regulation and
10 licensure of pharmacy benefits managers, is amended by adding a new Code section to read
11 as follows:

12 "33-64-9.2.

13 (a) A pharmacy benefits manager shall ensure that the final reimbursement to a pharmacy
14 for a prescription drug is an amount no less than the national average drug acquisition cost
15 for the prescription drug at the time that such drug was dispensed, plus a professional
16 dispensing fee of \$10.64. If the national average drug acquisition cost at the time such

17 drug was dispensed is not available, a pharmacy benefits manager shall not reimburse a
18 pharmacy in an amount that is less than the wholesale acquisition cost of the drug, as
19 defined in 42 U.S.C. Section 1395w-3a(c)(6)(B), on January 1, 2025, plus a professional
20 dispensing fee of \$10.64. The minimum professional dispensing fee set forth in this
21 subsection shall automatically adjust every 12 months in an amount equal to the average
22 percentage change in the Consumer Price Index for medical care for all urban consumers
23 over the immediately prior 12 month period or as may be determined appropriate by the
24 Commissioner, provided that any adjustment by the Commissioner shall not result in a
25 professional dispensing fee less than the current Georgia Medicaid professional dispensing
26 fee as determined by the Department of Community Health. A pharmacy benefits manager
27 shall exclude any reimbursement made pursuant to this paragraph from any effective rate
28 guarantees. As used in this subsection, the term 'effective rate guarantees' means a
29 contractual provision whereby a pharmacy benefits manager may adjust reimbursement
30 rates to pharmacies for prescription drugs dispensed by the pharmacy during a certain
31 period of time, ensuring that the pharmacy's overall reimbursement averages out to be a
32 predetermined rate.

33 (b) Any reimbursement made by a pharmacy benefits manager to a pharmacy at or above
34 the amount set forth in subsection (a) of this Code section shall not be subject to
35 subsection (a) of Code Section 33-64-9 and Code Section 33-64-9.1.

36 (c) A pharmacy benefits manager shall not offer reimbursement or incentives to a
37 nonaffiliated pharmacy in an amount less than that offered to an affiliated pharmacy for
38 providing the same prescription drug except, and only to the extent, otherwise required by
39 law.

40 (d) This Code section shall not apply to the state employees' health insurance plan
41 established pursuant to Article 1 of Chapter 18 of Title 45; the health insurance plan for
42 public school teachers and the health insurance plan for public school employees
43 established pursuant to Subparts 2 and 3, respectively, of Part 6 of Article 17 of Chapter

44 2 of Title 20; and the health benefit plan established for members, employees, and retirees
45 of the Board of Regents of the University System of Georgia pursuant to Code Section
46 31-2-4. This Code section shall also not apply to Medicaid under Chapter 4 of Title 49
47 when the Department of Community Health reimburses providers directly for each covered
48 service; provided, however, that this Code section shall apply to Medicaid care
49 management programs administered through care management organizations."

50 **SECTION 2.**

51 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
52 medical assistance generally, is amended by adding a new Code section to read as follows:

53 "49-4-159.5.

54 (a) The department shall ensure that all contracts that it enters into with care management
55 organizations involving the provision of prescription drugs are in compliance with Code
56 Section 33-64-9.2.

57 (b) To implement the provisions of this Code section, the department shall, when
58 necessary, submit a Medicaid state plan amendment or waiver request to the United States
59 Department of Health and Human Services."

60 **SECTION 3.**

61 This Act shall become effective July 1, 2025, and shall apply to all applicable policies,
62 contracts, and certificates executed, delivered, issued for delivery, or renewed in this state
63 on or after October 1, 2025.

64 **SECTION 4.**

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