

The House Committee on Health offers the following substitute to HB 810:

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, so as to require that final  
3 reimbursements to pharmacies for prescription drugs are based on certain formulas; to  
4 provide for applicability; to provide for definitions; to provide for construction; to provide  
5 for related matters; to provide for an effective date and applicability; to repeal conflicting  
6 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) For purposes of this Code Section:

14 (1) 'Affiliate pharmacy' means a pharmacy which, either directly or indirectly through  
15 one or more intermediaries:

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16 (A) Has an investment or ownership interest in a pharmacy benefits manager licensed  
17 under this chapter;

18 (B) Shares common ownership with a pharmacy benefits manager licensed under this  
19 chapter; or

20 (C) Has an investor or ownership interest holder which is a pharmacy benefits manager  
21 licensed under this chapter.

22 (2) 'Rural area' means any county having a population of less than 35,000 according to  
23 the United States decennial census of 2020 or any future such census.

24 (3) 'Rural pharmacy' means any pharmacy located in a rural area.

25 (b) A pharmacy benefits manager shall ensure that the final reimbursement, after taking  
26 into account any and all fees, charges, adjustments, or other reductions, including, but not  
27 limited to, direct or indirect remuneration fees, administrative fees, performance based fees,  
28 network access fees, or any other fees or adjustments, or other similar constructs, to a  
29 pharmacy for a prescription drug is in an amount equal to the national average drug  
30 acquisition cost for the prescription drug at the time that such drug was dispensed, plus a  
31 professional dispensing fee in an amount equal to the current Georgia Medicaid  
32 professional dispensing fee as determined by the Department of Community Health. If the  
33 national average drug acquisition cost at the time such drug was dispensed is not available,  
34 a pharmacy benefits manager shall reimburse a pharmacy in an amount equal to the  
35 wholesale acquisition cost of the drug, as defined in 42 U.S.C. Section 1395w-3a(c)(6)(B),  
36 on January 1, 2026, plus a professional dispensing fee in an amount equal to the current  
37 Georgia Medicaid professional dispensing fee as determined by the Department of  
38 Community Health. A pharmacy benefits manager shall exclude any reimbursement made  
39 pursuant to this subsection from any effective rate guarantees. As used in this subsection,  
40 the term 'effective rate guarantees' means a contractual provision whereby a pharmacy  
41 benefits manager may adjust reimbursement rates to pharmacies for prescription drugs

42 dispensed by the pharmacy during a certain period of time, ensuring that the pharmacy's  
43 overall reimbursement averages out to be a predetermined rate.

44 (c) This Code section shall not apply to a state health plan, as such term is defined in Code  
45 Section 45-18-22. This Code section shall also not apply to Medicaid under Chapter 4 of  
46 Title 49, including Medicaid managed care programs administered through care  
47 management organizations.

48 (d) Notwithstanding any other provision of this Code section, nothing herein shall be  
49 construed to prohibit or restrict a pharmacy benefit manager from providing reimbursement  
50 to a rural pharmacy in an amount exceeding the national average drug acquisition cost for  
51 a prescription drug plus the professional dispensing fee otherwise required under this Code  
52 section; provided, however, that this exception shall not apply to affiliate, mail-order, and  
53 specialty pharmacies."

54 **SECTION 2.**

55 This Act shall become effective July 1, 2027.

56 **SECTION 3.**

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