

MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 ¹(FIRST) Regular Session
2 (SECOND)

Bill No. 410-31 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO PROVIDE FOR PHARMACY
PRICING UNIFORMITY BY HEALTHCARE
INSURERS, BY ADDING A NEW ARTICLE 9, TO
CHAPTER 18, TITLE 22, GUAM CODE
ANNOTATED.

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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that the choice of healthcare consumers to select their preferred pharmacy without
4 undue pressure from healthcare insurers needs to be protected. Further, that there
5 is a need to insure that health insurers are barred from favoring certain types of
6 pharmacies (e.g. mail order) over others (e.g. independent retail pharmacies).

7 It is the intent of *I Liheslaturan Guåhan* to require that copayments,
8 deductibles, and limits on the quantity of drugs that can be dispensed at one time
9 be applied uniformly regardless of the type of pharmacy the consumer chooses.

10 **Section 2.** This Act shall be known and may be cited as the “**Drug Benefit**
11 **Equity Act.**”

12 **Section 3.** A new Article 9 is hereby added to Chapter 18, Title 22, Guam
13 Code Annotated, to read:

14 **“Article 9. Drug Benefit Equity Act**

1 **§18901. Legislative Finding and Intent.** *I Liheslaturan Guåhan* finds that
2 the choice of healthcare consumers to select their preferred pharmacy without
3 undue pressure from healthcare insurers needs to be protected. Further, that there
4 is a need to insure that health insurers are barred from favoring certain types of
5 pharmacies (e.g. mail order) over others (e.g. independent retail pharmacies).

6 It is the intent of *I Liheslaturan Guåhan* to require that copayments,
7 deductibles, and limits on the quantity of drugs that can be dispensed at one time
8 be applied uniformly regardless of the type of pharmacy the consumer chooses.

9 **§18902. Pharmacy providers.**

10 (a) Before entering into an agreement with pharmacy providers, a health
11 care plan must establish terms and conditions that must be met by pharmacy
12 providers desiring to contract with the health care plan. The terms and conditions
13 shall not discriminate against a pharmacy provider. A health care plan may not
14 refuse to contract with a pharmacy provider that meets the terms and conditions
15 established by the health care plan. If a pharmacy provider rejects the terms and
16 conditions established, the health care plan may offer other terms and conditions
17 necessary to comply with network adequacy requirements.

18 (b) A health care plan shall apply the same co-insurance, copayment, and
19 deductible factors to all drug prescriptions filled by a pharmacy provider that
20 participates in the health care plan's network. Nothing in this subsection, however,
21 prohibits a health care plan from applying different co-insurance, copayment, and
22 deductible factors between brand name drugs and generic drugs when a generic
23 equivalent exists for the brand name drug.

1 (c) A health care plan may not set a limit on the quantity of drugs that an
2 enrollee may obtain at one time with a prescription unless the limit is applied
3 uniformly to all pharmacy providers in the health care plan's network.”

4 **§18903. Rules and Regulations; Authorized.** The Banking and Insurance
5 Commissioner *shall*, within 120 days of the enactment of this Act, promulgate any
6 rules and regulations deemed necessary, if any, to implement the provisions of this
7 Article; as provided pursuant to Article 3 [Rule-Making Procedures], Chapter 9
8 [Administrative Adjudication Law], Division 1, Title 5, Guam Code Annotated
9 [Government Operations].”

10 **Section 3. Severability.** *If* any provision of this Act or its application to
11 any person or circumstance is found to be invalid or contrary to law, such
12 invalidity shall *not* affect other provisions or applications of this Act which can be
13 given effect without the invalid provisions or application, and to this end the
14 provisions of this Act are severable.

15 **Section 4. Effective Date.** This Act shall become immediately effective
16 upon enactment.