

SENATE, No. 3481

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Prohibits pharmacy benefits managers from requiring covered persons to use mail service pharmacies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2021)

1 AN ACT concerning pharmacy benefits managers and mail service
2 pharmacies and supplementing P.L.2015, c.179 (C.17B:27F-1 et
3 seq.).

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. A pharmacy benefits manager, in connection with any
9 contract or arrangement with a private health insurer, prescription
10 benefit plan, or the State Health Benefits Program or School
11 Employees' Health Benefits Program, shall neither require a
12 covered person to use a mail service pharmacy nor automatically
13 enroll a covered person in a mail service pharmacy program. A
14 pharmacy benefits manager may provide benefits to a covered
15 person through a mail service pharmacy, provided that the covered
16 person is given the option to use the mail service pharmacy or a
17 non-mail service pharmacy, and the covered person consents in
18 writing to the use of the mail service pharmacy.

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20 2. This act shall take effect on January 1, 2021.

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STATEMENT

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25 This bill prohibits pharmacy benefits managers from requiring
26 covered persons to use mail service pharmacies. Specifically, the
27 bill provides that pharmacy benefits managers, in connection with
28 any contract or arrangement with a private health insurer,
29 prescription benefit plan, or the State Health Benefits Program or
30 School Employees' Health Benefits Program, may neither require
31 covered persons to use a mail service pharmacy nor automatically
32 enroll covered persons in a mail service pharmacy program. The
33 bill provides that pharmacy benefits managers may provide benefits
34 to covered persons through mail service pharmacies, provided that
35 the covered persons are given the option to use a mail service
36 pharmacy or a non-mail service pharmacy, and the covered persons
37 consent in writing to the use of the mail service pharmacy.

38 It has come to the attention of the sponsor that certain pharmacy
39 benefits managers in New Jersey automatically enroll covered
40 persons in a mail service pharmacy program without the covered
41 persons' consent. This bill is intended to stop these automatic
42 enrollments and to support the right of covered persons to use a
43 non-mail service pharmacy if they so choose.