

**SB 97 - AS INTRODUCED**

2021 SESSION

21-0407

08/06

SENATE BILL           **97**

AN ACT               adopting omnibus legislation relative to health insurance.

SPONSORS:       Sen. Hennessey, Dist 1

COMMITTEE:   Health and Human Services

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ANALYSIS

This bill adopts legislation:

I. Relative to direct primary care referral parity.

II. Relative to in-network retail pharmacies.

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Explanation:       Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

*In the Year of Our Lord Two Thousand Twenty One*

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

V. The covered person shall retain the right to choose direct primary care on an elective, self-pay basis; no entity regulated under this chapter shall prohibit a direct primary care provider from continuing care on an elective, self-pay basis.

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1 VI. Direct primary care providers shall not be required to contract as participating providers  
2 in any network.

3 2 Effective Date. Part I of this act shall take effect January 1, 2022.

4 **PART II**

5 Relative to in-network retail pharmacies.

6 1 New Section; Pharmacy Benefits Managers; Prohibited Acts. Amend RSA 402-N by inserting  
7 after section 4 the following new section:

8 402-N:4-a Prohibited Acts. A pharmacy benefit manager shall not, either directly or indirectly:

9 I. Prohibit an in-network retail pharmacy from:

10 (a) Mailing or delivering a prescription drug to an enrollee as a service of the in-network  
11 retail pharmacy.

12 (b) Charging a shipping or handling fee to an enrollee who requests that the in-network  
13 retail pharmacy mail or deliver a prescription drug to the enrollee.

14 (c) Offering the services described in subparagraph I(a) to an enrollee.

15 II. Charge an enrollee who uses an in-network retail pharmacy that offers to mail or deliver  
16 a prescription drug to an enrollee a fee or copayment that is higher than the fee or copayment the  
17 enrollee would pay if the enrollee used an in-network retail pharmacy that does not offer to mail or  
18 deliver a prescription drug to an enrollee.

19 2 Effective Date. Part II of this act shall take effect 60 days after its passage.