

2026 -- H 7189

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

**RELATING TO INSURANCE -- PHARMACY FREEDOM OF CHOICE -- FAIR
COMPETITION AND PRACTICES**

Introduced By: Representatives Kislak, Fogarty, McGaw, Boylan, Speakman, Donovan,
Spears, and Handy

Date Introduced: January 21, 2026

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-29.1 of the General Laws entitled "Pharmacy Freedom of Choice

2 — Fair Competition and Practices" is hereby amended by adding thereto the following section:

3 **27-29.1-12. Fair pharmacy reimbursement and anti-discrimination.**

4 **(a) Reimbursement parity.**

5 A pharmacy benefit manager shall not reimburse a non-affiliated pharmacy or pharmacist
6 in an amount less than the net effective reimbursement, inclusive of all fees, adjustments,
7 incentives, and other remuneration, paid directly or indirectly to an affiliated pharmacy or
8 pharmacist for the same drug or service.

9 **(b) Anti-discrimination.**

10 A pharmacy benefit manager shall not impose contractual terms, reimbursement
11 methodologies, performance metrics, or other requirements that have the effect of reimbursing non-
12 affiliated pharmacies or pharmacists at a lower rate than affiliated pharmacies or pharmacists for
13 the same drug or service.

14 **(c) Transparency of affiliated reimbursement.**

15 Upon request by the office of the health insurance commissioner ("OHIC"), a pharmacy
16 benefit manager shall provide reimbursement data reasonably necessary to verify compliance with
17 this section, including data relating to affiliated pharmacies.

18 **(d) Enforcement.**

1 This section shall be enforced by OHIC and the attorney general pursuant to their existing
2 authority under law.

3 (e) Medicaid applicability.

4 All Medicaid managed care organizations, and all pharmacy benefit managers contracted
5 by or on behalf of Medicaid managed care organizations, shall comply with the provisions of this
6 section with respect to all Medicaid pharmacy benefits, whether administered directly or through a
7 pharmacy benefit manager.

8 (f) Prohibition on evasion.

9 A pharmacy benefit manager, insurer, or Medicaid managed care organization shall not
10 avoid compliance with this section through affiliation structures, subcontracting, differential
11 pricing metrics, reimbursement methodologies, or contractual arrangements designed to favor
12 affiliated pharmacies or pharmacists.

13 (g) Rulemaking.

14 The OHIC may promulgate and adopt rules and regulations necessary to implement and
15 enforce this section.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO INSURANCE -- PHARMACY FREEDOM OF CHOICE -- FAIR
COMPETITION AND PRACTICES

- 1 This act would require fair pharmacy reimbursement from a pharmacy benefit manager to
- 2 a non-affiliated pharmacy or pharmacist and also provide anti-discrimination prohibitions by
- 3 pharmacy benefit managers in regard to non-affiliated pharmacies or pharmacists.
- 4 This act would take effect upon passage.

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