



# ADOPTED

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1274

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

H1274-ALN-129 [v.12]

Page 1 of 2

Comm. Sub. [YES]  
Amends Title [NO]  
Fourth Edition

Date 8/3, 2009

Senator Rand

1 Moves to amend the bill on page 3, lines 17 and 18,  
2 by rewriting the lines to read:

3 "SECTION 3.(e) G.S. 135-45.6(b)(4), as amended by Section 2(c) of S.L. 2009-  
4 16, reads as rewritten:

5 (4) ~~Allowable charges shall not be greater than the lesser of copayments~~  
6 ~~provided under this subsection or a pharmacy's usual ~~and ordinary charge~~~~  
7 ~~to the general public for a particular prescription. A Plan member shall pay~~  
8 ~~the lesser of copayments provided under this subsection or a pharmacy's~~  
9 ~~cash price to the general public for a particular prescription. The Plan's~~  
10 ~~pharmacy benefit manager may remove from the pharmacy network any~~  
11 ~~pharmacy that charges an amount in violation of this subdivision.~~  
12 Prescriptions shall be for no more than a 30-day supply for the purposes of  
13 the copayments paid by each covered individual. By accepting the  
14 copayments and any remaining allowable charges provided by this  
15 subsection, pharmacies shall not balance bill an individual covered by the  
16 Plan. A prescription legend drug is defined as an article the label of which,  
17 under the Federal Food, Drug, and Cosmetic Act, is required to bear the  
18 legend: "Caution: Federal Law Prohibits Dispensing Without Prescription."  
19 Such articles may not be sold to or purchased by the public without a  
20 prescription order. Benefits are provided for insulin even though a  
21 prescription is not required. The Plan may adopt utilization management  
22 procedures for certain drugs, but in no event shall the Plan provide coverage  
23 for sexual dysfunction or hair growth drugs or nonmedically necessary drugs  
24 used for cosmetic purposes. Any formulary used by the Plan's Executive  
25 Administrator and pharmacy benefit manager shall be an open formulary.  
26 Plan members shall not be assessed more than two thousand five hundred  
27 dollars (\$2,500) per person per fiscal year in copayments required by this  
28 subsection. The Plan's Pharmacy Benefit Manager, or any pharmacy or  
29 vendor participating in the Plan shall charge the Plan for any prescription  
30 legend drug dispensed under the Plan's pharmacy benefit based upon the  
31 original National Drug Code (NDC) as established by the manufacturer of  
32 the prescription legend drug and published by the United States Food and  
33 Drug Administration.

34 ~~Co-payments and other allowable charges under this subsection shall be the lesser of the~~  
35 ~~Plan's discounted cost of the drug or the co-payment amount or allowable charge and apply to~~  
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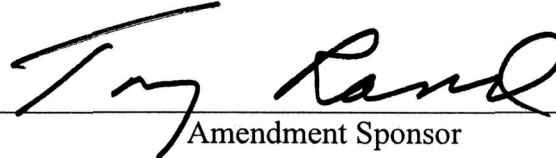
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~~all optional alternative plans available under the Plan.~~

**SECTION 4.** Section 3(e) of this act becomes effective October 1, 2009 and applies to prescription drugs purchased on and after that date. The remainder of this act is effective when it becomes law and applies to Plan years beginning July 1, 2009.

SIGNED   
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 46-0 FAILED \_\_\_\_\_ TABLED \_\_\_\_\_  
8-3-09  
Janet Pruitt

**ADOPTED**