

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 479

AMENDMENT NO. **A1**
(to be filled in by
Principal Clerk)

S479-ABC-47 [v.6]

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Amends Title [NO]
Fourth Edition

Date May 7, 2025

Senator Sawrey

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moves to amend the bill on page 8, line 7, by deleting "a new section" and replacing it with "new sections";

and on page 8, line 48, by rewriting the line to read:
"Statutes or under G.S. 58-2-100 and is confidential and privileged.

"§ 58-56A-23. Pharmacy desert reporting requirements.

(a) The Department of Insurance shall identify any pharmacy deserts.

(b) The Department of Insurance shall publish on its website and report to the Joint Legislative Oversight Committee on Health and Human Services a list of pharmacy deserts identified under subsection (a) of this section. The initial publication and report shall be made no later than January 1, 2026. Updated publications and reports shall be made every four years thereafter, except that an updated publication and report shall be made no later than 12 months after the release of decennial federal census data."

and on page 9, lines 7-12, by deleting the lines;

and on page 9, lines 15-22, by rewriting the lines to read:

"(g) No pharmacy benefits manager contract may require, either, directly or indirectly or through a pharmacy services administration organization, an independent pharmacy or any pharmacy in a pharmacy desert, to accept reimbursement for providing a covered prescription drug, device, or service at a rate less than the acquisition cost for the covered drug, device, or service. A violation of this section is an unfair trade practice under Article 63 of this Chapter and under G.S. 75-1.1 and is subject to all of the enforcement and penalty provisions of an unfair trade practice under this Chapter and under Article 1 of Chapter 75 of the General Statutes."



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and on page 10, lines 2-3, by inserting the following between the lines:

"SECTION 3.4.5. No later than October 1, 2025, the Department of Insurance shall adopt rules to implement this Part, including rules establishing the pharmacy desert designation.";

and on page 10, line 40, through page 11, line 9, by rewriting the lines to read:

"SECTION 5.1.(c) G.S. 90-85.3 reads as rewritten:

"§ 90-85.3. Definitions.

...
(i2) "Independent pharmacy" is as defined in G.S. 58-51-37.

...
(q3) "Pharmacy desert" is as defined in G.S. 58-51-37.

...."

SECTION 5.1.(d) Article 4A of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-85.21E. Independent pharmacy and pharmacy desert prescriptions.

(a) An independent pharmacy or a pharmacist in a pharmacy desert may decline to fill or refill a prescription if (i) that act would directly result in an unbearable cost to the independent pharmacy or pharmacist in a pharmacy desert or (ii) the independent pharmacy or pharmacist in a pharmacy desert will be or is paid less than the acquisition cost for the covered drug, device, or service, provided that the independent pharmacy or pharmacist in a pharmacy desert meets the requirements of subsection (b) of this section. If the independent pharmacy or pharmacist in a pharmacy desert cannot find a pharmacy to accept the referral without causing harm to the patient, then the independent pharmacy or pharmacist in a pharmacy desert must fill the prescription. An independent pharmacy or pharmacist in a pharmacy desert declining to fill a prescription under this section shall not be a violation of any provision of G.S. 90-85.40.

(b) If the independent pharmacy or pharmacist in a pharmacy desert elects to decline to fill or refill a prescription under subsection (a) of this section, then, prior to declining to fill or refill a prescription, the independent pharmacy or pharmacist in a pharmacy desert shall refer the prescription and patient to another pharmacy that is equally convenient for the patient to fill or refill the prescription in the same manner without the patient suffering any harm. The independent pharmacy or pharmacist in a pharmacy desert may refer the prescription to a pharmacy that only provides centralized pharmacy services in this State through the mail or remote medication order processing services subject to the Board's rules if the independent pharmacy or pharmacist in a pharmacy desert makes a determination the provision of pharmaceutical services through the mail does not harm the patient.'";

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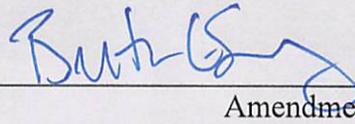
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and on page 17, lines 30-31, by rewriting the lines to read:

"SECTION 8.3 This Part is effective January 1, 2027, and applies to prescription drugs purchased by insureds on or after that date."

SIGNED



Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

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