

2023 Kansas Statutes

40-3831. Kansas pharmacy patients fair practices act; definitions; limitations on co-payments; no gag order; applicability. (a) This section shall be known and may be cited as the Kansas pharmacy patients fair practices act.

(b) As used in this section:

(1) "Covered person" means the same as defined in K.S.A. 40-3822, and amendments thereto.

(2) "Health carrier" means the same as defined in K.S.A. 40-2,195, and amendments thereto.

(3) "Pharmacy benefits manager" means the same as defined in K.S.A. 40-3822, and amendments thereto.

(c) (1) Co-payments applied by a health carrier for a prescription drug may not exceed the total submitted charges by the network pharmacy.

(2) A pharmacy or pharmacist shall have the right to provide a covered person with information regarding the amount of the covered person's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by a pharmacy benefits manager from discussing any such information or for selling a more affordable alternative to the covered person if such an alternative is available.

(d) (1) This section applies to any contract between a pharmacy benefits manager and a pharmacy, a pharmacy services administration organization or a group purchasing organization that is entered into or renewed on and after January 1, 2019.

(2) The provisions of this section shall not apply to any policy or certificate that provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, any coverage issued as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

History: L. 2018, ch. 23, § 1; July 1.