

JAN 19 2012

S.B. NO. 2130

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# A BILL FOR AN ACT

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RELATING TO PRESCRIPTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Chapter 87A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4       "S87A- Prescription drugs; opt out option. (a)  
5 Individual beneficiaries enrolled in a Hawaii employer-union  
6 health benefits trust fund health benefits plan may opt out of a  
7 plan requirement to purchase prescriptions by mail order;  
8 provided that prescriptions may instead be purchased for the  
9 same price at a participating retail pharmacy.

10       (b) Individual beneficiaries who elect to purchase  
11 prescription drugs from a participating retail pharmacy shall  
12 not be charged an additional copayment, fee, or other condition,  
13 unless the additional copayment, fee, or condition is also  
14 imposed on individual beneficiaries who elect to purchase  
15 prescription drugs from a designated mail order pharmacy."

16       SECTION 2. Chapter 431, Hawaii Revised Statutes, is  
17 amended by adding a new section to article 10A, part I, to be  
18 appropriately designated and to read as follows:



1        "§431:10A-        Prescription drug coverage; mail order

2   options.   (a)   An insurer that provides individual or group  
3   accident or health or sickness insurance with prescription drug  
4   coverage shall allow plan participants the option to fill a mail  
5   order covered prescription at a mail order pharmacy or a network  
6   participating retail pharmacy; provided that the network  
7   participating retail pharmacy accepts a price for the  
8   prescription that is equal to the mail order pharmacy.

9        (b)   An insurer that provides individual or group accident  
10   or health or sickness insurance with prescription drug coverage  
11   shall not impose an additional copayment, fee, or other  
12   condition on a participant who elects to purchase prescription  
13   drugs from a network participating retail pharmacy, unless the  
14   additional copayment, fee, or condition is also imposed on  
15   participants who elect to purchase prescription drugs from a  
16   designated mail order pharmacy.

17        (c)   This section shall not be construed to supersede the  
18   terms of a collective bargaining agreement between an employer  
19   and a certified employee organization."

20        SECTION 3.   Chapter 431, Hawaii Revised Statutes, is  
21   amended by adding a new section to article 10A, part II, to be  
22   appropriately designated and to read as follows:



1        "§431:10A-        Prescription drug coverage; mail order

2    options.    (a)    An insurer that provides group and blanket  
3    disability insurance with prescription drug coverage shall allow  
4    plan participants the option to fill a mail order covered  
5    prescription at a mail order pharmacy or a network participating  
6    retail pharmacy; provided that the network participating retail  
7    pharmacy accepts a price for the prescription that is equal to  
8    the mail order pharmacy.

9        (b)    An insurer that provides group and blanket disability  
10    insurance with prescription drug coverage shall not impose an  
11    additional copayment, fee, or other condition on a participant  
12    who elects to purchase prescription drugs from a network  
13    participating retail pharmacy, unless the additional copayment,  
14    fee, or condition is also imposed on participants who elect to  
15    purchase prescription drugs from a designated mail order  
16    pharmacy.

17        (c)    This section shall not be construed to supersede the  
18    terms of a collective bargaining agreement between an employer  
19    and a certified employee organization."

20        SECTION 4.    Chapter 432, Hawaii Revised Statutes, is  
21    amended by adding a new section to article 1 to be appropriately  
22    designated and to read as follows:



1        **"§432:1-      Prescription drug coverage; mail order options.**

2        (a) A mutual benefit society that provides prescription drug  
3        coverage shall allow members the option to fill a mail order  
4        covered prescription at a mail order pharmacy or a network  
5        participating retail pharmacy; provided that the network  
6        participating retail pharmacy accepts a price for the  
7        prescription that is equal to the mail order pharmacy.

8        (b) A mutual benefit society that provides prescription  
9        drug coverage shall not impose an additional copayment, fee, or  
10       other condition on a member who elects to purchase prescription  
11       drugs from a network participating retail pharmacy, unless the  
12       additional copayment, fee, or condition is also imposed on  
13       members who elect to purchase prescription drugs from a  
14       designated mail order pharmacy.

15       (c) This section shall not be construed to supersede the  
16       terms of a collective bargaining agreement between an employer  
17       and a certified employee organization."

18       SECTION 5. Chapter 432, Hawaii Revised Statutes, is  
19       amended by adding a new section to article 2 to be appropriately  
20       designated and to read as follows:

21       **"§432:2-      Prescription drug coverage; mail order options.**

22       (a) A fraternal benefit society that provides prescription drug



1 coverage shall allow members the option to fill a mail order  
2 covered prescription at a mail order pharmacy or a network  
3 participating retail pharmacy; provided that the network  
4 participating retail pharmacy accepts a price for the  
5 prescription that is equal to the mail order pharmacy.

6 (b) A fraternal benefit society that provides prescription  
7 drug coverage shall not impose an additional copayment, fee, or  
8 other condition on a member who elects to purchase prescription  
9 drugs from a network participating retail pharmacy, unless the  
10 additional copayment, fee, or condition is also imposed on  
11 members who elect to purchase prescription drugs from a  
12 designated mail order pharmacy.

13 (c) This section shall not be construed to supersede the  
14 terms of a collective bargaining agreement between an employer  
15 and a certified employee organization."

16 SECTION 6. Chapter 432D, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 **"§432D- Prescription drug coverage; mail order options.**

20 (a) A health maintenance organization that provides  
21 prescription drug coverage shall allow enrollees and subscribers  
22 the option to fill a mail order covered prescription at a mail



1 order pharmacy or a network participating retail pharmacy;  
2 provided that the network participating retail pharmacy accepts  
3 a price for the prescription that is equal to the mail order  
4 pharmacy.


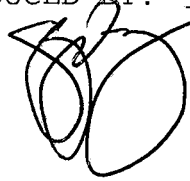
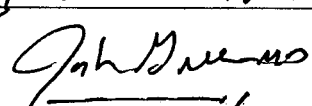


5 (b) A health maintenance organization that provides  
6 prescription drug coverage shall not impose an additional  
7 copayment, fee, or other condition on an enrollee or subscriber  
8 who elects to purchase prescription drugs from a network  
9 participating retail pharmacy, unless the additional copayment,  
10 fee, or condition is also imposed on enrollees or subscribers  
11 who elect to purchase prescription drugs from a designated mail  
12 order pharmacy.

13 (c) This section shall not be construed to supersede the  
14 terms of a collective bargaining agreement between an employer  
15 and a certified employee organization."

16 SECTION 7. New statutory material is underscored.

17 SECTION 8. This Act shall take effect upon its approval.

18  
INTRODUCED BY:

  Fitzanne Chun Oakland  
  
  




# S.B. NO. 2130

**Report Title:**

Insurance; Prescription Drugs; Mail Order Prescriptions;  
Pharmacies; EUTF

**Description:**

Allows individual beneficiaries enrolled in a Hawaii-employer-union health benefits trust fund health benefits plan to opt out of a requirement to purchase prescriptions by mail order.

Allows participants in accident or health or sickness insurance plans, group and blanket disability insurance plans, mutual benefit societies, fraternal benefit societies, and health maintenance organizations the option of purchasing mail order prescription benefits at participating retail pharmacies.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

