

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

846B0596

## HOUSE BILL NO. 1137

Introduced by: Representatives Gosch, Anderson, Jensen (Kevin), Lake, and Peterson (Kent)  
and Senators Steinhauer, Bolin, Rusch, Smith (VJ), and Solano

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding pharmacy benefit  
2 managers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-29E be amended by adding a NEW SECTION to read:

5 No pharmacy benefit manager shall contractually require a health plan or a pharmacist, who  
6 is a participating provider in a health plan, to collect cost sharing in an amount greater than the  
7 amount the person without coverage under a health benefit plan would pay for the drug.

8 Section 2. That chapter 58-29E be amended by adding a NEW SECTION to read:

9 No health plan insurer, pharmacy benefit manager, or administrator of a self-funded health  
10 plan shall retroactively adjust a claim for reimbursement submitted by a pharmacy for a  
11 prescription drug unless the adjustment is a result of either of the following:

- 12 (1) A pharmacy audit conducted in accordance with chapter 58-29F; or  
13 (2) A technical billing error.

