

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 122

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

AN ACT

RELATING TO PHARMACEUTICALS; AMENDING AND ENACTING SECTIONS OF  
THE PHARMACY BENEFITS MANAGER REGULATION ACT TO BAN CERTAIN  
FEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 59A-61-1 NMSA 1978 (being Laws 2014,  
Chapter 14, Section 1) is amended to read:

"59A-61-1. SHORT TITLE.--~~[Sections 1 through 6 of this  
act]~~ Chapter 59A, Article 61 NMSA 1978 may be cited as the  
"Pharmacy Benefits Manager Regulation Act"."

**SECTION 2.** A new section of the Pharmacy Benefits Manager  
Regulation Act is enacted to read:

"[NEW MATERIAL] PHARMACY BENEFITS MANAGERS--PROHIBITED  
PHARMACY FEES.--Either at the time of claim adjudication or at  
any time before or thereafter, a pharmacy benefits manager

.206765.1

underscored material = new  
[bracketed material] = delete

1 shall not charge or hold a pharmacist or pharmacy responsible  
2 for a fee for any step or component of, or mechanism related  
3 to, the adjudication of a claim, including:

- 4 A. the adjudication of a pharmacy claim;
- 5 B. the receipt and processing of a pharmacy claim;
- 6 C. the development or management of a claim  
7 processing or adjudication network; or
- 8 D. participation in a claim processing or claim  
9 adjudication network."