

HOUSE BILL 174

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO INSURANCE; REQUIRING HEALTH INSURANCE THAT IS PROVIDED AS PART OF THE HEALTH CARE PURCHASING ACT TO REIMBURSE COMMUNITY-BASED PHARMACIES FOR THE FULL COST OF PRESCRIPTION DRUGS PLUS A PROFESSIONAL DISPENSING FEE.

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

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] COMMUNITY-BASED PHARMACY REIMBURSEMENT.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act that offers a prescription drug benefit shall reimburse community-based pharmacy providers as follows:

(1) for the ingredient cost of a prescription drug at a value that is at least equal to the national average

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1 drug acquisition cost for the prescription drug at the time
2 that the prescription drug is administered or dispensed, or if
3 data for the national average drug acquisition cost is
4 unavailable, the wholesale acquisition cost of the prescription
5 drug; and

6 (2) a professional dispensing fee.

7 B. The professional dispensing fee reimbursed to
8 community-based pharmacy providers shall be no less than the
9 professional dispensing fee reimbursed to community-based
10 pharmacy providers for covered outpatient drugs in the medicaid
11 fee-for-service program.

12 C. For the purposes of this section:

13 (1) "community-based pharmacy provider" means
14 a pharmacy that is:

15 (a) open to the public for prescriptions
16 to be filled, regardless of the facility or practice where the
17 prescription was written;

18 (b) located in the state or near the
19 state border, if the border town is a primary source of
20 prescription drugs for medicaid recipients residing in the
21 border area; and

22 (c) not: 1) government-owned; 2)
23 hospital-owned; 3) owned by a corporation that owns hospitals;
24 4) an extension of a medical practice or special facility; 5)
25 owned by a corporate chain of pharmacies with stores outside of

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1 the state; or 6) a mail-order pharmacy;

2 (2) "ingredient cost" means the actual amount
3 paid to a community-based pharmacy provider for a prescription
4 drug, not including the professional dispensing fee or cost
5 sharing;

6 (3) "medicaid" means the medical assistance
7 program established pursuant to Title 19 of the federal Social
8 Security Act and regulations issued pursuant to that act;

9 (4) "national average drug acquisition cost"
10 means the national average of prices at which pharmacies
11 purchase a prescription drug from manufacturers or wholesalers;
12 and

13 (5) "wholesale acquisition cost" means a
14 manufacturer's list price for a prescription drug sold to
15 wholesalers in the United States, not including discounts,
16 rebates or reductions in price."

17 SECTION 2. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is January 1, 2026.

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