

## Proposed California and Federal PBM Regulations

	Licensure & Registration	Reporting Requirements	Pricing & Reimbursement	Patient Steering	Civil Penalties
<b>California</b> <a href="#">Senate Bill 41</a>	Yes	Yes, requires reporting to DOI	Yes, prohibits spread pricing and sets pricing floor	Yes, prohibits patient steering	Yes, establishes civil penalties
<b>Federal</b> <a href="#">S. 526</a>	<a href="#">Yes</a>	<a href="#">Yes</a> , requires annual reporting to the FTC and DHHS Secretary	<a href="#">Yes</a> , prohibits spread pricing and arbitrary, unfair, or deceptive clawbacks of payments to pharmacies	None	<a href="#">Yes</a> , establishes civil penalties, aside from FTC penalties
<a href="#">S. 882</a>	None	<a href="#">Yes</a> , requires annual reporting to the PDP sponsor and DHHS Secretary	<a href="#">Yes</a> , permits PBM remuneration only by flat fees for services related to Medicare Part D prescription drug plans (PDPs)	<a href="#">Yes</a> , widens Medicare beneficiaries' choice by allowing any pharmacy willing to meet standard terms to participate in a pharmacy network	<a href="#">Yes</a> , establishes civil penalties on PDP sponsors that PBM must return to the sponsor
<a href="#">S. 927</a>	None	<a href="#">Yes</a> , requires reporting to the state and the DHHS Secretary on request	<a href="#">Yes</a> , prohibits spread pricing in Medicaid and limits PBM remuneration for services to Medicaid managed care entities and related covered outpatient drugs to ingredient costs and a professional dispensing fee	None	None
<a href="#">H.R. 2214</a>	None	None	<a href="#">Yes</a> , permits PBM remuneration only by fees for services related to prescription drug benefits under group health plans or insurers	None	<a href="#">Yes</a> , establishes civil penalties and PBM must also return to health plan or insurer any amount received in violation of the Act
<a href="#">S. 891</a>	None	Yes, requires semi-annual reporting to group health plans, insurers offering group health coverage, including employer-sponsored health plans	<a href="#">Yes</a> , prohibits spread pricing in Medicaid and limits PBM remuneration for services to Medicaid managed care entities to ingredient costs and a professional dispensing fee. For Medicare Part D, permits PBM remuneration only by flat fees for services	<a href="#">Yes</a> , widens Medicare beneficiaries' choice by allowing any pharmacy willing to meet standard terms to participate in a pharmacy network	<a href="#">Yes</a> , establishes civil penalties for Medicare Part D for failing to disclose required information and providing false information

Note: Acronyms used above include Department of Insurance (DOI), Federal Trade Commission (FTC), Department of Health and Human Services (DHHS), Prescription Drug Plan (PDP).