



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 479**

AMENDMENT NO. A
(to be filled in by
Principal Clerk)

S479-ABC-26 [v.8]

Page 1 of 3

Amends Title [NO]
Second Edition

Date _____, 2025

Senator _____

and on page 9, lines 1-13, by rewriting the lines to read:

"**SECTION 3.2.(b)** Subsection (a) of this section applies to contracts entered into, renewed, or amended on or after October 1, 2025.";

and on page 10, lines 31-35, by rewriting the lines to read:

"(a) An independent pharmacy may decline to fill or refill a prescription if (i) that act would directly result in an unbearable cost to the independent pharmacy, or (ii) the pharmacy or pharmacist will be or is paid less than the acquisition cost for the covered drug, device, or service, provided that the independent pharmacy meets the requirements of subsection (b) of this section. If the independent pharmacy cannot find a pharmacy to accept the referral without causing harm to the patient, then the independent pharmacy must fill the prescription. A pharmacy or pharmacist declining to fill a prescription under this section shall not be a violation of any provision of G.S. 90-85.40.";

and on page 16, line 45, by deleting "and any defined cost sharing";

and on page 19, lines 1-15, by rewriting the lines to read:

"§ 90-85.42. Board of Pharmacy reporting.

(a) Definitions. – The following definitions apply in this section:



* S 4 7 9 - A B C - 2 6 - V - 8 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 479

AMENDMENT NO. **A**
(to be filled in by
Principal Clerk)

S479-ABC-26 [v.8]

Page 2 of 3

- 1 (1) Large retail pharmacy. – More than 25 pharmacies in common ownership.
2 (2) Small retail pharmacy. – 25 or fewer pharmacies in common ownership.
3 (b) Reporting Requirements. – No later than October 1 of each year, the Board shall
4 report the following information to the Department of Insurance and the Joint Legislative
5 Oversight Committee on Health and Human Services:
6 (1) The current number of licensed pharmacies in the State.
7 (2) The number of small retail pharmacies that have opened in the preceding five
8 years.
9 (3) The number of large retail pharmacies that have opened in the preceding five
10 years.
11 (4) The number of small retail pharmacies that have closed in the preceding five
12 years.
13 (5) The number of large retail pharmacies that have closed in the preceding five
14 years.";

15
16
17
18
19
20 and on page 19, lines 17-19, by rewriting the lines to read:

21 **"PART XI. RFP CHANGES**

22 **SECTION 11.** Article 3B of Chapter 135 of the General Statutes is amended by
23 adding a new section to read:

24 **"§ 135-49. Request for proposal requirements.**

25 (a) Before awarding a Request for Proposal for Third Party Administrative Services for
26 the Plan, the Board of Trustees of the State Health Plan for Teachers and State Employees shall
27 work to determine how to incorporate the following items in an economically feasible manner
28 into the State Health Plan for Teachers and State Employees.

- 29 (1) Allowing the Plan's pharmacy benefits managers to provide a monetary
30 advantage to pharmacies in North Carolina neighborhoods, communities, and
31 counties that are underserved by pharmacies.
32 (2) Requiring the Plan's pharmacy benefits managers to annually report all the
33 information required in G.S. 58-56A-22 to the State Treasurer, Commissioner
34 of Insurance, and Joint Legislative Oversight Committee on Health and
35 Human Services no later than May 1 of each year.
36 (3) Preventing the Plan's pharmacy benefits managers from contractually
37 requiring independent pharmacies to accept reimbursement for a drug, device,
38 or pharmacy service in an amount that is less than the acquisition cost of the
39 drug, device, or pharmacy service.
40 (4) Requiring the Plan and the Plan's pharmacy benefits managers to adhere to the
41 coverage requirements of G.S. 58-56A-55.
42 (5) Requiring the Plan's pharmacy benefits managers to act as a fiduciary in
43 accordance with G.S. 58-56A-21.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 479

AMENDMENT NO. A
(to be filled in by
Principal Clerk)

S479-ABC-26 [v.8]

Page 3 of 3

- 1 (6) Requiring the Plan and the Plan's pharmacy benefits managers to adhere to the
2 pharmacy of choice provisions of G.S. 58-51-37.
3 (7) Requiring the Plan's pharmacy benefits managers to meet or exceed the
4 Medicare Part D program standards for convenient access to network
5 pharmacies under 42 C.F.R. § 423.120.
6 (8) Requiring the Plan's pharmacy benefits managers to reimburse affiliated and
7 non-affiliated pharmacies on the same terms.
8 (9) Adhering to the cost-sharing consumer protection provisions of G.S. 58-3-
9 182.
10 (b) Each item in subsection (a) of this section that the Board determines to be
11 economically feasible shall be included in the "Product and Plan Design Management Minimum
12 Requirements" section, or any other substantially similar section of the Request for Proposal for
13 Third Party Administrative Services for the State Health Plan for Teachers and State Employees."

14 **PART XII. EFFECTIVE DATE**

15 **SECTION 12.1.** Except as otherwise provided, this act is effective when it becomes
16 law."
17
18
19

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____