

REFERENCE TITLE: **prescription drugs; price limits.**

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HB 2559**

Introduced by

Representatives Schwiebert: Aguilar, Austin, Contreras P, Crews, De Los Santos, Gutierrez, Hernandez A, Hernandez L, Longdon, Ortiz, Pawlik, Peshlakai, Quiñonez, Sandoval, Seaman, Stahl Hamilton, Terech, Villegas;  
Senators Hatathlie, Sundareshan

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 42;  
RELATING TO PRESCRIPTION DRUGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding  
3 chapter 42, to read:

4 CHAPTER 42  
5 PRESCRIPTION DRUGS  
6 ARTICLE 1. GENERAL PROVISIONS

7 36-4201. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "MAXIMUM FAIR PRICE" MEANS THE MAXIMUM FAIR PRICE FOR A DRUG AS  
10 PUBLISHED BY THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES  
11 PURSUANT TO 42 UNITED STATES CODE SECTION 1320f-4.

12 2. "PRICE APPLICABILITY PERIOD" HAS THE SAME MEANING PRESCRIBED IN  
13 42 UNITED STATE CODE SECTION 1320f(b)(2).

14 3. "REFERENCED DRUG" MEANS A DRUG THAT IS SUBJECT TO A MAXIMUM FAIR  
15 PRICE.

16 36-4202. Limit on drug pricing; violations

17 A. A PERSON OR ENTITY THAT PURCHASES A REFERENCED DRUG IN THIS  
18 STATE MAY NOT PAY A PRICE FOR THE REFERENCED DRUG THAT, EXCLUDING ANY FEE  
19 PAID TO A PHARMACY FOR DISPENSING THE REFERENCED DRUG, IS HIGHER THAN THE  
20 MAXIMUM FAIR PRICE FOR THAT REFERENCED DRUG DURING THE PRICE APPLICABILITY  
21 PERIOD.

22 B. A PERSON OR ENTITY THAT SEEKS REIMBURSEMENT FOR A REFERENCED  
23 DRUG THAT IS DELIVERED, DISPENSED OR ADMINISTERED TO A PERSON IN THIS  
24 STATE MAY NOT SEEK REIMBURSEMENT FOR THE REFERENCED DRUG AT A RATE THAT,  
25 EXCLUDING ANY FEE PAID TO A PHARMACY FOR DISPENSING THE REFERENCED DRUG,  
26 IS HIGHER THAN THE MAXIMUM FAIR PRICE FOR THAT REFERENCED DRUG DURING THE  
27 PRICE APPLICABILITY PERIOD.

28 C. A VIOLATION OF SUBSECTION A OR B OF THIS SECTION BY ANY PERSON  
29 CONSTITUTES AN UNLAWFUL PRACTICE PURSUANT TO SECTION 44-1522 AND IS  
30 SUBJECT TO ENFORCEMENT BY THE ATTORNEY GENERAL. EACH VIOLATION OF  
31 SUBSECTION A OR B OF THIS SECTION CONSTITUTES A SEPARATE UNLAWFUL  
32 PRACTICE. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE APPROPRIATE  
33 ACTION PURSUANT TO TITLE 44, CHAPTER 10, ARTICLE 7.

34 D. IN ADDITION TO THE REMEDIES SPECIFIED IN SUBSECTION C OF THIS  
35 SECTION, A PERSON WHO IS AGGRIEVED BY A VIOLATION OF SUBSECTION A OR B OF  
36 THIS SECTION MAY BRING A PRIVATE ACTION FOR CONSUMER FRAUD.