*Kansas Pennsylvania New Mexico California Suggested Revision*

*PBM Model Section 6, subdivisions D & E*

*Regarding PBM Limitation on Information Disclosure*

*October 7, 2020*

D. A pharmacy benefit manager contract with a participating pharmacist or pharmacy may not prohibit, restrict, or limit disclosure of information to the commissioner, law enforcement or state and federal governmental officials, provided that the recipient represents that it has the authority to maintain proprietary information as confidential and that prior to disclosure of information designated as confidential the pharmacist or pharmacy:

(i) marks as confidential any document in which the information appears, or,

(ii) requests confidential treatment for any oral communication of the information.

E. A pharmacy benefits manager may not terminate the contract of or penalize a pharmacist or pharmacy due to the pharmacist or pharmacy:

(i) disclosing information about PBM practices, except for information determined to be a trade secret as determined by state law or the Insurance Commissioner

(ii) sharing any portion of a PBM contract with the Insurance Commissioner pursuant to a query regarding whether the contract is in compliance with this act.