**Date: 9-30-20**

**PENNSYLVANIA SUGGESTED REVISIONS TO SECTION 6 AND SECTION 7**

**Section 6.**

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 ~~investigating or examining a complaint or conducting a review of a pharmacy benefit manager's compliance with the requirements under this Act.~~; provided that the recipient represents that it has the authority to maintain proprietary information as confidential and that prior to disclosure of any information designated as confidential under the pharmacy benefit manager contract, 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's or pharmacy's participation in a public forum where no information is disclosed other than information that has not been designated as confidential under the pharmacy benefit manager contract.

**Section 7.**

C. The commissioner may impose a penalty on a pharmacy benefits manager or the health carrier with which it is contracted, or both, for a violation of this law.  The penalty may not exceed [appropriate state penalty] per entity for each violation of this law.