

Miss. Code Ann. § 73-21-161

Current with 2023 Regular Session legislation signed by the Governor and effective upon passage through March 18, 2023. The final official version of the statutes affected by 2023 legislation will appear on Lexis Advance and Lexis+ in the fall of 2023.

[Mississippi Code 1972 Annotated](#)>[Title 73. Professions and Vocations \(Chs. 1 — 79\)](#)>[Chapter 21. Pharmacists \(§§ 73-21-1 — 73-21-205\)](#)>[Pharmacy Benefit Prompt Pay Act \(§§ 73-21-151 — 73-21-163\)](#)

§ 73-21-161. Referral by pharmacy or pharmacy benefit manager or affiliate, or transfer or sharing records relative to certain prescription information, or presentation of claim for payment pursuant to referral from affiliate prohibited; pharmacy licensed or holding nonresident pharmacy permit to annually file disclosure statement identifying affiliates; violation of section.

(1) As used in this section, the term “referral” means:

- (a)** Ordering of a patient to a pharmacy by a pharmacy benefit manager affiliate either orally or in writing, including online messaging;
- (b)** Offering or implementing plan designs that require patients to use affiliated pharmacies; or
- (c)** Patient or prospective patient specific advertising, marketing, or promotion of a pharmacy by an affiliate.

The term “referral” does not include a pharmacy’s inclusion by a pharmacy benefit manager affiliate in communications to patients, including patient and prospective patient specific communications, regarding network pharmacies and prices, provided that the affiliate includes information regarding eligible nonaffiliate pharmacies in those communications and the information provided is accurate.

(2) A pharmacy, pharmacy benefit manager, or pharmacy benefit manager affiliate licensed or operating in Mississippi shall be prohibited from:

- (a)** Making referrals;
- (b)** Transferring or sharing records relative to prescription information containing patient identifiable and prescriber identifiable data to or from a pharmacy benefit manager affiliate for any commercial purpose; however, nothing in this section shall be construed to prohibit

the exchange of prescription information between a pharmacy and its affiliate for the limited purposes of pharmacy reimbursement; formulary compliance; pharmacy care; public health activities otherwise authorized by law; or utilization review by a health care provider; or

(c) Presenting a claim for payment to any individual, third-party payor, affiliate, or other entity for a service furnished pursuant to a referral from an affiliate.

(3) This section shall not be construed to prohibit a pharmacy from entering into an agreement with a pharmacy benefit manager affiliate to provide pharmacy care to patients, provided that the pharmacy does not receive referrals in violation of subsection (2) of this section and the pharmacy provides the disclosures required in subsection (1) of this section.

(4) If a pharmacy licensed or holding a nonresident pharmacy permit in this state has an affiliate, it shall annually file with the board a disclosure statement identifying all such affiliates.

(5) In addition to any other remedy provided by law, a violation of this section by a pharmacy shall be grounds for disciplinary action by the board under its authority granted in this chapter.

(6) A pharmacist who fills a prescription that violates subsection (2) of this section shall not be liable under this section.

History

Laws, 2020, ch. 395, § 7, eff from and after January 1, 2021.