§ 2904. Reporting requirements for pharmacy benefit managers. (a) (1) (i) On or before July first of each year, every pharmacy benefit manager shall report to the superintendent, in a statement subscribed and affirmed as true under penalties of perjury, the information requested by the superintendent including, without limitation,

(A) any pricing discounts, rebates of any kind, inflationary payments, credits, clawbacks, fees, grants, chargebacks, reimbursements, other financial or other reimbursements, incentives, inducements, refunds or other benefits received by the pharmacy benefit manager;

(B) the terms and conditions of any contract or arrangement, including other financial or other reimbursements incentives, inducements or refunds between the pharmacy benefit manager and any other party relating to pharmacy benefit management services provided to a health plan including but not limited to, dispensing fees paid to pharmacies;

(C) the aggregated dollar amount of rebates, fees, price protection payments and any other payments the pharmacy benefit manager received from drug manufacturers through rebate contracts;

(D) the portions of the amount in clause (C) of this subparagraph which were:

1. passed on to health plans; or

2. retained by the pharmacy benefit manager; and

(E) for each rebate contract in effect during the reporting period:

1. the names of the contracting parties;

2. the execution date and the term of the contract, including extensions;

3. the name of the drugs and the associated national drug codes covered by the rebate contract, and for each drug:

(I) a summary of the contract terms regarding formulary placement, formulary exclusion, or prior authorization requirements or step edits, of any drugs considered to compete with each drug;

(II) a summary of all terms requiring or incentivizing volume or market share for each drug, including base rebate amounts, bundled

rebates and incremental rebates, stated separately, and price concession, stated separately for each drug; and

(III) the total number of prescriptions filled and units dispensed for which a rebate, discount, price concession or other consideration was received by the pharmacy benefit manager for each drug;

4. the rebate percentage and dollar amount retained by the pharmacy benefit manager for every rebate, discount, price concession or other consideration under each rebate contract; and

5. the dollar amount of any other compensation paid by a drug manufacturer to a pharmacy benefit manager for services including distribution management services, data or data services, marketing or promotional services, research programs, or other ancillary services, under each rebate contract.

(ii) For the purposes of this subsection, the term "rebate contract" means any agreement entered into by a pharmacy benefit manager with any drug manufacturer or agent or affiliate of a drug manufacturer that determines any rebate, discount, administrative or other fee, price concession, or other consideration related to the dispensing of prescription drugs for a health plan.

(2) The superintendent may require the filing of quarterly or other statements, which shall be in such form and shall contain such matters as the superintendent shall prescribe.

(3) The superintendent may address to any pharmacy benefit manager or its officers any inquiry in relation to its provision of pharmacy benefit management services or any matter connected therewith. Every pharmacy benefit manager or person so addressed shall reply in writing to such inquiry promptly and truthfully, and such reply shall be, if required by the superintendent, subscribed by such individual, or by such officer or officers of the pharmacy benefit manager, as the superintendent shall designate, and affirmed by them as true under the penalties of perjury.

(b) In the event any pharmacy benefit manager or person does not submit the report required by paragraph one of subsection (a) of this section or does not provide a good faith response to an inquiry from the superintendent pursuant to paragraph three of subsection (a) of this

section within a time period specified by the superintendent of not less than fifteen business days, the superintendent is authorized to levy a civil penalty, after notice and hearing, against such pharmacy benefit manager or person not to exceed four thousand dollars per day for each day beyond the date the report is due or the date specified by the superintendent for response to the inquiry.

(c) All information, documents and material disclosed by a pharmacy benefit manager under this section and in the possession or under control of the superintendent shall be deemed confidential and not subject to disclosure except where and as the superintendent determines that disclosure is in the public interest. This subsection shall not apply to information, documents and materials where they are in the possession and under the control of a person or entity other than the superintendent.