



Ohio Revised Code Section 3957.09

Effective: June 30, 2026

Legislation: House Bill 229

(A) Except as provided in division (G) of this section, no person shall act as a pharmacy benefit manager on or after July 1, 2027, without first entering into a written agreement with a plan sponsor.

(B) The pharmacy benefit manager shall retain the written agreement as part of the pharmacy benefit manager's official records for the duration of the agreement and for five years thereafter. Each agreement shall include, at a minimum, all of the following:

(1) The term of the agreement;

(2) An explanation of the services to be performed by the pharmacy benefit manager;

(3) The method and rate of compensation to be paid by the plan sponsor to the pharmacy benefit manager for services rendered;

(4) Provisions for the renewal and termination of the agreement.

(C) A pharmacy benefit manager shall maintain, for the duration of the agreement with the plan sponsor, customary and relevant books and records of all transactions and information relative to covered persons or beneficiaries. The pharmacy benefit manager shall maintain such customary and relevant books and records either electronically or in physical form at the pharmacy benefit manager's principal office or branch office and shall make those books and records available to the superintendent or the superintendent's designee at any time upon request. Any protected health information received from the request shall be maintained in compliance with all applicable federal and state privacy laws, including the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 1320d, et seq. and the regulations adopted under that act.

(D) A pharmacy benefit manager shall account, annually or more frequently, to the plan sponsor for any pricing discounts, rebates of any kind, inflationary payments, credits, claw backs, fees, grants,



charge backs, drug product reimbursements, or other benefits received by the pharmacy benefit manager. The pharmacy benefit manager shall give the plan sponsor access to all financial and utilization information used by the pharmacy benefit manager in relation to pharmacy benefit management services provided to the plan sponsor.

(E) A pharmacy benefit manager shall disclose, in writing, to the plan sponsor the terms and conditions of any contract or arrangement between the pharmacy benefit manager and any other party relating to pharmacy benefit management services provided by the pharmacy benefit manager to the plan sponsor, including pharmacy benefit management services provided to group purchasing organizations.

(F) A pharmacy benefit manager shall disclose, in writing, to the plan sponsor any activity, policy, practice, contract, or arrangement of the pharmacy benefit manager that directly or indirectly presents any conflict of interest concerning the pharmacy benefit manager's relationship with or obligation to the plan sponsor.

(G) Divisions (A) to (F) of this section apply to agreements subject to this chapter and pharmacy benefit management services provided pursuant to those agreements. Nothing in those divisions applies to pharmacy benefit management services provided pursuant to an agreement that is not subject to this chapter.

(H) A pharmacy benefit manager licensed under this chapter shall, at all times, maintain any required insurance coverage or bond as provided for and mandated by the "Employee Retirement and Income Security Act of 1974," 29 U.S.C. 1001.