SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3818

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2024

The Senate Commerce Committee reports favorably Senate Bill No. 3818.

This bill prohibits health insurance carriers and pharmacy benefits managers in New Jersey from using accumulators. Under the bill, a carrier and a pharmacy benefits manager is required to give credit, when calculating the liability of an insured for a coinsurance, copayment, deductible, or other out-of-pocket expense for a covered benefit, for any discount provided or payment made by a third party for the amount of, or any portion of the amount of, the coinsurance, copayment, deductible or other out-of-pocket expense for the covered benefit. In the case of a high-deductible health plan, credit is to be applied to the maximum extent permitted under federal law, or (1) to the extent permitted under federal law and (2) in accordance with certain stipulations in the Internal Revenue Code.

The bill also amends the law regulating pharmacy benefits managers to widen the scope of practice of pharmacy benefits management services and to modify what cost-sharing includes. Previous federal policy allowed health insurers to dismiss the use of third-party discounts or coupons when the carrier calculated an insured's cost-sharing liability. Through this bill, New Jersey joins a growing number of U.S. jurisdictions prohibiting insurers from dismissing assistance received by covered persons to help pay their share of cost-sharing to carriers.