The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 368 Original 2026 Regular Session Bass

Present law provides for the enforcement of present law relative to pharmacy and pharmacist claims by the commissioner of insurance and the attorney general. Proposed law retains present law but makes technical changes.

Proposed law requires a pharmaceutical drug manufacturer to notify the commissioner of insurance and the secretary of the La. Dept. of Health (LDH) no later than 30 days after either of the following occur:

(1) The wholesale acquisition drug cost of a brand name drug, generic, or biosimilar drug increases by more than the percentage change from the preceding year in the prescription drug component of the Consumer Price Index of the U.S. Dept. of Labor, Bureau of Labor Statistics per pricing unit during any 12-month period.

(2) A new drug is introduced for distribution in the state that has a wholesale acquisition cost greater than the amount that causes the drug to be considered a specialty drug under the Medicare Part D program.

Proposed law provides that the manufacturer shall also report to the commissioner and secretary an explanation of the increase, including whether it was in response to any rebate, other incentive or inducement, including discounts, or formulary requirement and certain other cost information.

Proposed law requires, no later than 30 days after receipt of a price increase notice, the commissioner and secretary to jointly request pricing component data per pricing unit for the prescription drug from each reporting entity. Proposed law further requires, no later than 60 days from the date of receiving the request, a reporting entity is to notify the commissioner and secretary of pricing component data per pricing unit of the prescription drug.

Proposed law provides that the pricing and cost information are to be publicly accessible on the websites of both the Dept. of Insurance and LDH.

Proposed law provides that failure of a reporting entity to provide information is an unfair method of competition and unfair practice or act, and the commissioner and secretary shall refer any reporting entity that fails to provide a notification or report to the attorney general.

Proposed law allows the commissioner and secretary to audit the data submitted by a reporting entity.

Proposed law provides for a joint annual report by the commissioner and secretary to the governor, the president of the Senate, and the speaker of the House of Representatives.

Present law requires a pharmaceutical drug manufacturer to provide notice not later than 30 days after increasing the wholesale acquisition drug cost of a brand name drug by more than 15% per wholesale acquisition cost unit during any 12-month period, or generic or biosimilar drug with a significant price increase as defined by the commissioner, or introducing a new drug for distribution when the wholesale acquisition cost is greater than the amount that causes the drug to be considered a specialty drug under the Medicare Part D program.

Proposed law repeals present law.

Effective August 1, 2026.

(Amends R.S. 22:1870.1; adds R.S. 22:1870.2; repeals R.S. 22:1870(B)(5))