HOUSE COMMITTEE AMENDMENTS

2026 Regular Session

Amendments proposed by House Committee on Insurance to Reengrossed Senate Bill No. 401 by Senator Talbot

AMENDMENT NO. 1

On page 2, delete lines 18 through 20 in their entirety

AMENDMENT NO. 2

On page 2, delete line 21 and insert lieu thereof the following:

"**(1) "Board" means the Prescription Drug Affordability Supply Chain Transparency Board.**"

AMENDMENT NO. 3

On page 2, delete line 22 in its entirety

AMENDMENT NO. 4

On page 2, line 23, change "**(3)**" to "**(2)**"

AMENDMENT NO. 5

On page 2, between lines 23 and 24 insert the following:

"**(3) "Enrollee" means any individual entitled to health care services from a health insurance issuer.**"

AMENDMENT NO. 6

On page 3, delete lines 6 through 12 in their entirety and insert in lieu thereof the following:

"**(6)(a) "Rebate" means a negotiated price concessions including but not limited to base price concessions, whether described as a rebate or otherwise, and reasonable estimates of any price protection rebates and performance-based price concessions that may accrue directly or indirectly to a health insurance issuer or pharmacy benefit manager during the coverage year from a manufacturer, dispensing pharmacy, or other party in connection with the dispensing or administration of a prescription drug.**

(b) Reasonable estimates of any price concessions, fees and other administrative costs that are passed through, or are reasonably anticipated to be passed through, to a health insurance issuer or pharmacy benefit manager and serve to reduce the health insurance issuer or pharmacy benefit manager's liabilities for a prescription drug."

AMENDMENT NO. 7

On page 3, delete lines 13 through 17 in their entirety and insert in lieu thereof the following:

"**(7) "Research and development expenditures" means all costs that a pharmaceutical manufacturer incurs during a calendar year that relate to the research and development of products, processes, or services, and including the costs of research and development of products, processes, or services that the pharmaceutical manufacturer has acquired or obtained via a license.**"

AMENDMENT NO. 8

On page 6, delete lines 2 through 29 in their entirety and insert in lieu thereof the following:

"**§1870.14. Manufacturer reporting**

A. By June 1st of each calendar year, the department shall identify up to ten prescription drugs on which the state spends significant health care dollars, after accounting for rebates, and for which the wholesale acquisition cost has increased by a total of fifteen percent or more during the prior calendar year. The drugs identified shall represent different drug classes and must include generics.

B. For each prescription drug identified pursuant to Subsection A, the Department shall require the drug's manufacturer to report all of the following:

(1) The drug's wholesale acquisition cost increase.

(2) The manufacturer's aggregate, company-level research and development and other relevant capital expenditures for the most recent year for which final audited data are available.

(3) A written description, suitable for public release, of factors that contributed to the reported increase in wholesale acquisition cost for the reporting year.

C. A manufacturer's obligations under this Section shall be fully satisfied by the submission of information and data that a manufacturer includes in the manufacturer's annual consolidated report on Securities and Exchange Commission Form 10-K or any other public disclosure.

D. By December 31st of each calendar year, the department shall publish a report on its website based on the information that it receives pursuant to Subsection B.

E. Information provided to the department pursuant to Subsection B is exempt from public inspection and copying under the Public Records Act and shall not be released in a manner that would allow for the identification of the prices charged or rebates provided for an individual drug, therapeutic class of drugs, the identity of a specific manufacturer, or in a manner that has the potential to compromise the financial, competitive, or proprietary nature of the information."

AMENDMENT NO. 9

On page 7, delete lines 1 through 16 in their entirety

AMENDMENT NO. 10

On page 7, delete lines 25 through 29 in their entirety and insert in lieu thereof the following"

" **§1870.16. Confidentiality**

A. All information and data obtained by the department pursuant to this Subpart, that is not otherwise publicly available is all of the following:

(1) Is considered to be a trade secret and confidential and proprietary information.

(2) Is not subject to disclosure under the Public Records Act.

B. (1) Information provided to the department, board, or an interested party pursuant to this Section shall, except to the extent it is already in the public domain, be considered trade secret pursuant to the Louisiana Trade Secrets Act, confidential, exempt from public inspection pursuant to the Louisiana Public Records Act, and shall not be disclosed directly or indirectly.

(2) The department, board, or interested parties, and their agents shall not publish or otherwise disclose any information that would allow for the identification of an individual drug, therapeutic class of drugs, or manufacturer, that would reveal the prices of any drug or therapeutic class of drugs, or that has the potential to compromise the financial, competitive, or proprietary nature of any information submitted by the manufacturer pursuant to this Section.

(3) The department, board, and interested parties shall impose the confidentiality protections of this Section on any third party that may receive or otherwise have access to this information."