
HOUSE COMMITTEE AMENDMENTS

2026 Regular Session

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

1 AMENDMENT NO. 1

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

3 AMENDMENT NO. 2

4 On page 2, line 21, change "(2)" to "(1)"

5 AMENDMENT NO. 3

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

7 AMENDMENT NO. 4

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

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

11 AMENDMENT NO. 5

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

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

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

24 AMENDMENT NO. 6

25 On page 3, line 19, delete "at"

26 AMENDMENT NO. 7

27 On page 4, line 8, change "their" to "his"

28 AMENDMENT NO. 8

29 On page 5, at the end of line 10, insert the following:

30 **"Any brand name drug or biologic that is designated for one or more rare**
31 **diseases or condition pursuant to 21 U.S.C. 360bb and for which the only approved**
32 **indication is for one or more such rare diseases or conditions defined in Section**
33 **526(a)(2) of the Federal Food, Drug, and Cosmetic Act and any biological product that**

1 is derived from human whole blood or plasma shall not be considered for placement
2 on the prescription drug list."

3 AMENDMENT NO. 9

4 On page 6, delete lines 3 through 29 in their entirety and insert in lieu thereof the following:

5 "A. By June first of each calendar year, the department shall identify up to ten
6 prescription drugs on which the state spends significant healthcare dollars, after
7 accounting for rebates, and for which the wholesale acquisition cost has increased by
8 a total of fifteen percent or more during the prior calendar year. The drugs identified
9 shall represent different drug classes and include generics.

10 B. For each prescription drug identified pursuant to Subsection A of this
11 Section, the department shall require the drug's manufacturer to report all of the
12 following:

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

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

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

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

23 D. By December thirty-first of each calendar year, the department shall publish
24 a report on its website based on the information that it receives pursuant to Subsection
25 B of this Section.

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

32 AMENDMENT NO. 10

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

34 AMENDMENT NO. 11

35 On page 7, delete lines 26 through 29 in their entirety and insert in lieu thereof the
36 following:"

37 "A. All information and data obtained by the department pursuant to this
38 Subpart, that are not otherwise publicly available are considered to be a trade secret,
39 confidential, and proprietary information. Such information and data are not subject
40 to disclosure pursuant to the Public Records Law.

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

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

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

4 AMENDMENT NO. 12

5 On page 8, line 9, change "Louisiana" to "this state"

6 AMENDMENT NO. 13

7 On page 8, delete lines 21 through 29 in their entirety

8 AMENDMENT NO. 14

9 On page 9, delete lines 26 through 29 in their entirety

10 AMENDMENT NO. 15

11 On page 12, line 10, delete "shall"