

2017 Regular Session

SENATE BILL NO. 59

BY SENATORS MILLS, JOHNS AND MORRISH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE. Provides relative to prescription drug price information. (gov sig)

1 AN ACT

2 To enact Part VI of Chapter 14 of Title 37 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 37:1251, relative to prescription drug price information; to provide
4 for disclosure of certain information; to provide for required data; to provide for
5 responsibilities of the Louisiana Board of Pharmacy; to provide for a website; to
6 provide for grant funding opportunities; to provide for an effective date; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part VI of Chapter 14 of Title 37 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 37:1251, is hereby enacted to read as follows:

11 **PART VI. DISCLOSURE OF PRESCRIPTION DRUG PRICE INFORMATION**

12 **§1251. Disclosure of prescription drug price information**

13 **A.(1) The Louisiana Board of Pharmacy shall develop a website to**
14 **contain prescription drug price information to be made available to Louisiana**
15 **prescribers on the board's website with a dedicated link that is prominently**
16 **displayed on the board's home page, or by a separate easily identifiable Internet**
17 **address.**

1 **(2) The website shall include at a minimum, the following data elements,**
2 **separated by therapeutic category:**

3 **(a) Name of the product.**

4 **(b) Whether the drug is a brand or a generic.**

5 **(c) Drug strength.**

6 **(d) Per pill Average Wholesale Price (AWP) of the drug.**

7 **(e) Any disclaimers deemed appropriate by the board.**

8 **(3) When a pharmaceutical marketer engages in any form of**
9 **prescription drug marketing directly to a prescriber, his designee, or any**
10 **member of his staff, the marketer may disclose the website Internet address and**
11 **inform the prescriber that he may access the website to obtain information on**
12 **the cost of prescription drugs. The provisions of this Section shall only apply to**
13 **pharmaceutical marketing engaged in by a pharmaceutical marketer and a**
14 **prescriber licensed by the state of Louisiana, his designee, or any member of his**
15 **staff, while physically present in the state of Louisiana.**

16 **(4) The board shall have the authority to enter into a contract for the**
17 **administration of their responsibilities pursuant to this Section.**

18 **(5) Each health profession licensing board that regulates individuals with**
19 **prescriptive authority in Louisiana shall advise their licensees at least once**
20 **annually of the opportunity to access this website.**

21 **B. For purposes of this Section:**

22 **(1) "Average wholesale price" or "AWP" means the wholesale price**
23 **charged on a specific prescription drug that is assigned by the drug**
24 **manufacturer and listed in a nationally recognized drug pricing file.**

25 **(2) "Pharmaceutical marketer" means a person who, while employed by**
26 **or under contract to represent a pharmaceutical manufacturing company**
27 **engages in marketing activities of prescription drugs.**

28 **(3) "Prescription drug" means a pharmaceutical drug that legally**
29 **requires a prescription to be dispensed.**

1 **(4) "Prescription drug marketing" means in-person meeting, mailings,**
 2 **telephonic conversations, video conferencing, and electronic mail activities with**
 3 **prescribers.**

4 **(5) "Prescriber" means a physician or any other person authorized to**
 5 **prescribe prescription drugs or any other person on their staff who receives**
 6 **prescription drug marketing materials.**

7 **C. Implementation of this Section shall be contingent upon the Louisiana**
 8 **Board of Pharmacy obtaining grant funds from a private entity for the**
 9 **development, implementation, operation, and continued maintenance of the**
 10 **drug pricing disclosure website.**

11 Section 2. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 effective on the day following such approval.

The original instrument was prepared by Christine Arbo Peck. The following
 digest, which does not constitute a part of the legislative instrument, was
 prepared by McHenry Lee.

DIGEST

SB 59 Reengrossed

2017 Regular Session

Mills

Proposed law requires the Louisiana Board of Pharmacy to develop a website to contain prescription drug information to be made available to prescribers on the board's website with a dedicated link that is prominently displayed on the board's home page, or by a separate easily identifiable Internet address.

Proposed law requires that the website include certain data elements separated by therapeutic category.

Proposed law provides that when a pharmaceutical marketer engages in any form of prescription drug marketing in the state directly to a prescriber, his designee, or any member of his staff, the marketer may disclose the website Internet address and inform the prescriber that he may access the website to obtain information on the cost of prescription drugs.

Proposed law provides the board with the authority to enter into a contract for the administration of proposed law.

Proposed law provides that each health profession licensing board that regulates individuals with prescriptive authority in the state must advise their licensees at least once annually of the opportunity to access this website.

Proposed law defines "average wholesale price", "pharmaceutical marketer", "prescription drug", "prescription drug marketing", and "prescriber".

Proposed law provides that the implementation of proposed law is contingent upon the board obtaining grant funds from a private entity for the development, implementation, operation, and continued maintenance of the drug pricing disclosure website.

Effective upon signature of the governor or upon lapse of gubernatorial action.

(Adds R.S. 37:1251)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Removes requirement of a standardized form that the pharmaceutical marketers must complete and present to the prescriber when they present other marketing materials to the prescriber.
2. Removes requirements that the Louisiana Department of Health develop a form, promulgate rules, and maintain the form on their website.
3. Removes penalty provision that made violations a prohibited practice under the Unfair Trade Practices and Consumer Protection Law.

Senate Floor Amendments to engrossed bill

1. Removes requirements that a pharmaceutical marketer disclose average wholesale pricing information to a prescriber.
2. Adds provision for the disclosure of prescription drug price information via the La. Board of Pharmacy's website.
3. Adds requirement that implementation of proposed law is dependent on the receipt of grant funds from a private entity for the development, operation, and maintenance of the board's website.