

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)

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AN ACT

To enact R.S. 37:1741.1, relative to prescription drug price information; to provide for disclosure of certain information; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1741.1 is hereby enacted to read as follows:

**§1741.1. Disclosure of prescription drug price information**

**A. When a pharmaceutical marketer engages in any form of prescription drug marketing directly to a prescriber, his designee, or any member of his staff, the marketer shall disclose the average wholesale price, hereinafter referred to as "AWP", of any drugs being marketed for each indication, customarily referred to as "labeled indication", approved by the United States Food and Drug Administration. Disclosure shall include the AWP for a thirty-day supply of the drugs. If a drug is designed to be administered for a duration of therapy of less than thirty days, the duration and AWP for that period of time shall be disclosed. For purposes of this Section, "prescription drug marketing" shall include in-person meetings, mailings, telephonic**

1 conversations, video conferencing, and electronic mail activities with  
2 prescribers.

3 B. For purposes of this Section:

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

7 (2) "Pharmaceutical marketer" means a person who, while employed by  
8 or under contract to represent a pharmaceutical manufacturing company or  
9 other pharmaceutical distributor, engages in marketing activities of  
10 prescription drugs.

11 (3) "Prescription drug" means a pharmaceutical drug that legally  
12 requires a prescription to be dispensed.

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

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Christine Arbo Peck.

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SB 59 Engrossed

DIGEST  
2017 Regular Session

Mills

Proposed law requires pharmaceutical drug marketers to present a prescriber with the average wholesale price of any drugs being marketed to the prescriber or his staff at the time of the prescription drug marketing encounter.

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

(Adds R.S. 37:1741.1)

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.