AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

PART VI. DISCLOSURE OF PRESCRIPTION DRUG PRICE INFORMATION

§1251. Disclosure of prescription drug price information

A.(1) The Louisiana Board of Pharmacy shall develop a website to contain prescription drug price information to be made available to Louisiana 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.

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

(a) Name of the product.

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

(c) Drug strength.

(d) Per-unit wholesale acquisition cost of the drug.
(e) Any disclaimers deemed appropriate by the board.

(3) 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 may disclose the website's internet address and inform the prescriber that he may access the website to obtain information on the cost of prescription drugs. The provisions of this Section shall only apply to pharmaceutical marketing engaged in by a pharmaceutical marketer and a prescriber licensed by the state of Louisiana, his designee, or any member of his staff, while physically present in the state of Louisiana.

(4) The board shall have the authority to enter into a contract for the administration of the board’s responsibilities pursuant to this Section.

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

B. For purposes of this Section:

(1) "Wholesale acquisition cost" means, with respect to a pharmaceutical drug or biological product, the manufacturer's list price for the pharmaceutical drug or biological product to wholesalers or direct purchasers in the United States for the most recent month for which the information is available, as reported in wholesale price guides or other publications of pharmaceutical drug or biological product pricing data, not including prompt pay or other discounts, rebates, or reductions in price.

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

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

(4) "Prescription drug marketing" means in-person meetings, mailings, telephonic conversations, video conferencing, and electronic mail activities with prescribers.
(5) "Prescriber" means a physician or any other person authorized to
prescribe prescription drugs or any other person on their staff who receives
prescription drug marketing materials.

C.(1) Implementation of this Section shall be contingent upon the
Louisiana Board of Pharmacy's obtaining grant funds from private entities for
the development, implementation, operation, and continued maintenance of the
drug pricing disclosure website.

(2) The board shall actively seek grant funding to implement the
provisions of this Section. Within ten months of successful receipt of grant funds
sufficient in amount to implement the provisions of this Section, the board shall
make the drug pricing disclosure website available to prescribers.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________