SENATE COMMITTEE AMENDMENTS

2026 Regular Session

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

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 44:4.1(B)(11)" and before "to enact" change the "and" to a comma ","

AMENDMENT NO. 2

On page 1, line 4, after "through" and before "relative" delete "1870.18," and insert "1870.19, and to repeal R.S. 22:1870(B)(5),"

AMENDMENT NO. 3

On page 1, line 11, after "Law;" and before "to" insert the following:

"to require reporting when a prescription drug's price increases over a certain amount; to provide for information requests by the board; to provide for public access to certain drug pricing information; to provide for penalties for violations; to provide for audits of reporting entities; to provide for an annual report; to provide for the authority of the attorney general;"

AMENDMENT NO. 4

On page 1, line 15, change "1870.18" to "1870.19"

AMENDMENT NO. 5

On page 8, between lines 18 and 19, insert the following:

"**§1870.19. Prescription drug pricing transparency**

A.(1) A pharmaceutical drug manufacturer shall notify the board no later than thirty days after any of the following occur:

(a) The wholesale acquisition drug cost of a brand name drug increases by more than the percentage change from the preceding year in the prescription drug component of the Consumer Price Index of the United States Department of Labor, Bureau of Labor Statistics per pricing unit during any twelve-month period.

(b) The wholesale acquisition drug cost of a generic or biosimilar drug increases by more than one hundred dollars from the preceding year or two hundred dollars total per pricing unit during any twelve-month period.

(c) A new drug is introduced for distribution in the state that has a wholesale acquisition cost greater than the amount that causes the drug to be considered a specialty drug under the Medicare Part D program.

(2) For any prescription drug reported pursuant to Paragraph (1) of this Subsection, the manufacturer shall report to the board the following information about the drug:

(a) An explanation of the increase, including whether it was in response to any rebate, other incentive or inducement, including discounts, or formulary requirement.

(b) The total cost of production and approximate cost of production per pricing unit.

(c) Research and development costs of the drug including but not limited to all of the following:

(i) Research and development costs that are paid with public funds.

(ii) After-tax research and development costs paid by the manufacturer.

(iii) Research and development costs paid by third parties.

(iv) Marketing and advertising costs for the drug, apportioned by marketing activities that are directed to consumers, marketing activities that

are directed to prescribers, and the total cost of all marketing and advertising that is directed primarily to Louisiana consumers and prescribers.

B. No later than thirty days after receipt of a notice provided for in Subsection A of this Section, the board shall request pricing component data per pricing unit for the prescription drug from each reporting entity.

C. No later than sixty days from the date of receiving a request from the board, a reporting entity shall notify the board of pricing component data per pricing unit of the prescription drug.

D. Each reporting entity that submits a notification or report pursuant to this Section shall submit with the notification or report a signed written certification of the notification's or report's accuracy.

E. The information provided for in Subsections A and C of this Section shall be made publicly accessible on the website of both the Department of Insurance and the Louisiana Department of Health.

F. The failure of any reporting entity to provide information required by this Section shall be considered an unfair method of competition and unfair practice or act in accordance with the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq. In addition to any enforcement actions taken by the commissioner as authorized pursuant to this Title, the commissioner on behalf of the board shall refer any reporting entity that fails to provide a notification or report required by this Section to the attorney general.

G. The Department of Insurance and the Louisiana Department of Health may audit the data submitted by a reporting entity pursuant to this Subpart. The reporting entity shall pay for the costs of the audit.

H. By January first of each year, the board shall produce an annual report and submit the report to the governor, the president of the Senate, and the speaker of the House of Representatives. The report shall include all of the following:

(1) Information developed from the disclosures received pursuant to this Subpart on trends in the cost of prescription drugs, analysis of manufacturer prices and price increases, the major components of prescription drug pricing along the supply chain and the impacts on insurance premiums and cost sharing, and any other information the board determines is relevant to providing greater consumer awareness of the factors contributing to the cost of prescription drugs in the state.

(2) Information identifying the twenty-five costliest drugs in the state, the twenty-five most frequently prescribed drugs in the state, and the twenty-five drugs with the highest year-over-year cost increases.

I. For purposes of this Section, the following definitions shall apply:

(1) "Affiliated manufacturer" means a drug or biological product manufacturer that, either directly or indirectly through one or more intermediaries:

(a) Has an investment or ownership interest in a pharmacy benefit manager licensed by the commissioner.

(b) Shares common ownership with a pharmacy benefit manager licensed by the commissioner.

(c) Has an investor or a holder of an ownership interest in a pharmacy benefit manager licensed by the commissioner.

(2) "Prescription drug" or "drug" means a drug that is required by any applicable federal or state law or regulation to be dispensed or delivered pursuant only to a prescription drug order, or is restricted to use by practitioners only and includes biological products. The term is limited to prescription drugs and biological products intended for human use.

(3) "Reporting entity" means a manufacturer, affiliated manufacturer, group purchasing organization, rebate aggregator, wholesale drug distributor, pharmacy benefits manager, and any other entity in the supply chain between the manufacturer and pharmacy.

AMENDMENT NO. 6

On page 9, after line 5, insert the following:

"Section 3. R.S. 22:1870(B)(5) is hereby repealed."