

2017 Regular Session

HOUSE BILL NO. 436

BY REPRESENTATIVES TALBOT, HOLLIS, LEBAS, DUSTIN MILLER, MORENO,
AND THIBAUT

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

DRUGS/PRESCRIPTION: Requires drug manufacturers to provide information regarding
prescription drug prices

1 AN ACT

2 To enact Part VIII of Chapter 12 of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:2255.1 and 2255.11, relative to prescription drug prices; to
4 provide for definitions; to require disclosure of prescription drug price information;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Part VIII of Chapter 12 of Title 40 of the Louisiana Revised Statutes of
8 1950, comprised of R.S. 40:2255.1 and 2255.11, is hereby enacted to read as follows:

9 PART VIII. PHARMACEUTICAL COST TRANSPARENCY

10 SUBPART A. GENERAL PROVISIONS

11 §2255.1. Definitions

12 As used in this Part, the following words have the following meanings unless
13 the context indicates otherwise:

14 (1) "Prescription drug" means a drug as defined in 21 U.S.C. 321.

15 (2) "Prescription drug marketing" means to provide educational or marketing
16 information or materials regarding a prescription drug in any form including but not
17 limited to all of the following:

18 (a) Face-to-face meetings.

19 (b) Physical mailings.

- 1 (c) Telephone conversations.
- 2 (d) Electronic mail or facsimile.

3 SUBPART B. DISCLOSURE OF PRESCRIPTION DRUG PRICE INFORMATION

4 §2255.11. Disclosure of prescription drug price information

5 Each drug manufacturer or pharmaceutical marketer who engages in any
 6 form of prescription drug marketing to a prescriber, his designee, or any member of
 7 his staff in Louisiana shall provide to the Louisiana Board of Pharmacy no later than
 8 January first, April first, July first, and October first of each calendar year the current
 9 wholesale acquisition cost information for the United States Food and Drug
 10 Administration approved drugs marketed in the state by that manufacturer.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 436 Reengrossed

2017 Regular Session

Talbot

Abstract: Requires the disclosure of prescription drug price information.

Proposed law requires each drug manufacturer or pharmaceutical marketer who engages in any form of prescription drug marketing to a prescriber, his designee, or any member of his staff in La. to provide to the La. Board of Pharmacy no later than Jan. 1st, Apr. 1st, July 1st, and Oct. 1st of each calendar year the current wholesale acquisition cost information for the U.S. Food and Drug Administration approved drugs marketed in the state by that manufacturer.

Proposed law defines "prescription drug" and "prescription drug marketing".

(Adds R.S. 40:2255.1 and 2255.11)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Require an annual report of certain prescription drug claims data by health insurance issuers and pharmacy benefit managers.
2. Delete provisions allowing recommendations for additional drugs to be included on the critical prescription drug list.
3. Delete the requirement that drug manufacturers disclose pricing information to the committee.
4. Delete provisions authorizing enforcement under the Unfair Trade Practices and Consumer Protection Law.

5. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Delete proposed legislative findings.
2. Delete proposed law definition of "average wholesale price", "committee", "department", and "manufacturer".
3. Delete proposed law establishing the Prescription Drug Review Committee, including provisions relative to the critical prescription drug list, manufacturer reporting, rulemaking authority, and the annual report on prescription drug prices submitted to the legislature.
4. Delete proposed law requiring any person engaging in prescription drug marketing directly to a healthcare provider to provide pricing information. Instead, adds a provision that requires each drug manufacturer or pharmaceutical marketer engaging in prescription drug marketing to a prescriber to provide the wholesale acquisition cost of approved drugs marketed in the state to the La. Board of Pharmacy.
5. Delete proposed law establishing a public records exception.
6. Make technical changes.