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HOUSE FLOOR AMENDMENTS

2026 Regular Session

Amendments proposed by Representative Chance Henry to Reengrossed Senate Bill No. 401 by Senator Talbot

1 AMENDMENT NO. 1

2 In Amendment No. 4 by the House Committee on House and Governmental Affairs (#5508),

3 On page 1, change "§1870.18. Prescription drug pricing transparency" to "§1870.18.
4 Prescription drug pricing transparency; annual report; webpage requirements and
5 publications; penalty and enforcement"

6 AMENDMENT NO. 2

7 On page 1, delete lines 9 through 17 in their entirety and insert in lieu thereof the following:

8
9 "drug pricing transparency requirements; to provide for annual report requirements;
10 to provide for reporting requirements of prescription drug price that increases over a certain
11 amount; to provide for manufacturers' obligations; to provide for webpage requirements; to
12 provide for public access to certain drug pricing information; to provide for penalties for
13 violations; to provide for the authority of the attorney general; to provide for public records
14 exception; and to provide for related matters."

15 AMENDMENT NO. 3

16 Delete pages 10 and 11 in their entirety and insert in lieu thereof the following:

17 "A.(1) Not later than January fifteenth of each calendar year, a pharmaceutical
18 drug manufacturer shall submit a report to the department stating the current
19 wholesale acquisition cost information for the United States Food and Drug
20 Administration-approved prescription drugs sold in or into this state by that
21 manufacturer.

22 (2) The department shall develop a webpage that provides the general public
23 with prescription drug price information submitted pursuant to this Section. The
24 webpage shall be made available on the department's website with a dedicated link that
25 is prominently displayed on the home page or by a separate easily identifiable webpage
26 address.

27 B.(1) This Section applies only to prescription drugs with a wholesale acquisition
28 cost of at least one hundred dollars for a thirty-day supply before the effective date of
29 an increase described by this Section.

30 (2) Not later than the thirtieth day after the effective date of an increase of forty
31 percent or more over the preceding three calendar years or fifteen percent or more in
32 the preceding calendar year in the wholesale acquisition cost of a prescription drug to
33 which this Section applies, a pharmaceutical drug manufacturer shall submit a report
34 to the commissioner. The report shall include all of the following information:

- 35 (a) The name of the prescription drug.
- 36 (b) Whether the prescription drug is a brand name or generic.
- 37 (c) The effective date of the change in wholesale acquisition cost.
- 38 (d) A statement regarding the factor or factors that caused the increase in the
39 wholesale acquisition cost and an explanation of the role of each factor's impact on the
40 cost.

1 (3) If, during a calendar year, a prescription drug with a wholesale acquisition
 2 cost of at least one hundred dollars for a thirty-day supply increases in price by forty
 3 percent or more over the preceding three calendar years or fifteen percent or more in
 4 the preceding calendar year in the wholesale acquisition cost of the prescription drug,
 5 the pharmaceutical drug manufacturer shall include in the annual report submitted
 6 pursuant to this Section all of the following information:

7 (a) Aggregate, company-level research and development costs for the most
 8 recent year for which final audit data is available.

9 (b) The name of each of the manufacturer's prescription drugs approved by the
 10 United States Food and Drug Administration in the previous three calendar years.

11 (c) The name of each of the manufacturer's prescription drugs that lost patent
 12 exclusivity in the United States in the previous three calendar years.

13 (4) A manufacturer's obligations pursuant to this Subsection shall be fully
 14 satisfied by the submission of information and data that a manufacturer includes in the
 15 manufacturer's annual consolidated report on Securities and Exchange Commission
 16 Form 10-K or any other public disclosure.

17 C. Not later than the sixtieth day after receipt of the report submitted, the
 18 department shall publish the cost increase information required pursuant to this
 19 Section on the department's webpage for prescription drug price information.

20 D.(1) If the department determines that a pharmaceutical drug manufacturer
 21 failed to submit a report, or failed to submit the report in the manner prescribed by
 22 Subsection B of this Section and the rules adopted pursuant to this Section, the
 23 department shall provide written notice of the failure to the manufacturer.

24 (2) On receipt of notice described by this Subsection, a pharmaceutical drug
 25 manufacturer shall submit a report that does all of the following:

26 (a) Complies with Subsection B of this Section and rules adopted pursuant to
 27 this Section.

28 (b) Addresses all issues raised in the notice.

29 (3) The department may not assess an administrative penalty pursuant to this
 30 Subsection against a pharmaceutical drug manufacturer that submits to the
 31 department the required report, as applicable, on or before the forty-fifth day after the
 32 date the manufacturer receives notice pursuant to this Section.

33 E.(1) The department may assess an administrative penalty against a
 34 manufacturer that violates this Section or rules pursuant to this Subsection.

35 (2) In determining the amount of the penalty, the department shall consider all
 36 of the following:

37 (a) The manufacturer's previous violations.

38 (b) The seriousness of the violation.

39 (c) The manufacturer's demonstrated good faith.

40 (d) Any other matters as justice may require.

41 (3) The penalty may not exceed one thousand dollars a day for each violation.

42 (4) Each day a violation continues may be considered a separate violation.

43 (5) The enforcement of the penalty may be stayed during the time the order is
 44 under judicial review if the manufacturer pays the penalty to the clerk of the court or
 45 files a security bond with the court in the amount of the penalty.

46 (6) The attorney general may sue to collect the penalty. Money collected
 47 pursuant to this Section shall be deposited in the state treasury and may be
 48 appropriated only to the department for the purposes of administering this Section."

49 AMENDMENT NO. 4

50 On page 12, delete lines 1 through 28 in their entirety