

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.

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part VI of Chapter 14 of Title 37 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 37:1251, is hereby enacted to read as follows:

11 **PART VI. DISCLOSURE OF PRESCRIPTION DRUG PRICE INFORMATION**

12 **§1251. Disclosure of prescription drug price information**

13 **A.(1) The Louisiana Board of Pharmacy shall develop a website to**
14 **contain prescription drug price information to be made available to Louisiana**
15 **prescribers on the board's website with a dedicated link that is prominently**
16 **displayed on the board's home page, or by a separate easily identifiable internet**
17 **address.**

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

20 **(a) Name of the product.**

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

22 **(c) Drug strength.**

23 **(d) Per-unit wholesale acquisition cost of the drug.**

1 (e) Any disclaimers deemed appropriate by the board.

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

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

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

15 **B. For purposes of this Section:**

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

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

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

28 (4) "Prescription drug marketing" means in-person meetings, mailings,
29 telephonic conversations, video conferencing, and electronic mail activities with
30 prescribers.

1 (5) "Prescriber" means a physician or any other person authorized to
2 prescribe prescription drugs or any other person on their staff who receives
3 prescription drug marketing materials.

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

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____