

Part VI. Disclosure of Prescription Drug Price Information

(Part VI, composed of §1251, added by Act 236 of 2017 Legislature, effective June 14, 2017.)

§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.
- D. The provisions of this Section shall not apply to veterinarians or pharmaceutical marketers who engage in any form of prescription drug marketing directly to a prescriber, his designee, or any member of his staff regarding prescription drugs manufactured exclusively for nonhuman consumption.

(Subsection D added by Act 219 of 2018 Legislature, effective August 1, 2018)