

A-Engrossed House Bill 2468

Ordered by the House April 7
Including House Amendments dated April 7

Sponsored by Representatives GREENLICK, TOMEI; Representatives BAILEY, BARKER, BARNHART, BARTON, BUCKLEY, CANNON, COWAN, DEMBROW, C EDWARDS, D EDWARDS, GARRETT, GELSER, HARKER, HOLVEY, KAHL, KOMP, MATTHEWS, NATHANSON, RILEY, ROBLAN, SHIELDS, STIEGLER, Senators MONNES ANDERSON, ROSENBAUM

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires drug manufacturers to file with State Board of Pharmacy annual report listing compensation given or paid to physicians and nurse practitioners. **Extends reporting period for compensation given or paid pursuant to product development agreement.** Provides that report is public record. Imposes penalty for failure to file report.

A BILL FOR AN ACT

1
2 Relating to reports to the State Board of Pharmacy.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 689.**

5 **SECTION 2. (1) For purposes of this section:**

6 (a) "Compensation" includes, but is not limited to, payments, honoraria, reimbursements,
7 commissions, fees, valuable consideration or other benefits. "Compensation" does not include
8 complimentary samples of drugs.

9 (b) "Prescribing professional" means:

10 (A) A licensed, practicing nurse practitioner as defined in ORS 678.010; or

11 (B) A licensed, practicing physician as defined in ORS 677.010.

12 (2)(a) Each drug manufacturer shall file with the State Board of Pharmacy an annual
13 report of compensation given or paid by the drug manufacturer to prescribing professionals.

14 (b) The report must:

15 (A) Be filed in a form and on a date prescribed by the board;

16 (B) List all compensation given or paid to prescribing professionals in Oregon during the
17 calendar year preceding the filing date; and

18 (C) For all compensation totaling \$100 or more:

19 (i) Identify the nature of the compensation;

20 (ii) List the value of the compensation; and

21 (iii) Identify the prescribing professional.

22 (c) Notwithstanding paragraphs (a) and (b) of this subsection, if a drug manufacturer
23 gives or pays compensation to a prescribing professional pursuant to a product development
24 agreement for services furnished in connection with the development of a new drug, the drug
25 manufacturer shall report the compensation in an annual report filed no later than the end

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 of the third calendar year after the year the compensation was given or paid.

2 (d) Reports filed under this subsection are subject to disclosure as public records under
3 the provisions of ORS 192.410 to 192.505.

4 (3)(a) In addition to any other liability or penalty provided by law, the board may impose
5 a civil penalty on a person for failing to file a report under this section. The civil penalty
6 imposed under this subsection may be imposed for each day after the filing date for which
7 the person fails to file the report, in an amount not to exceed \$500 per day.

8 (b) Every violation of this section is a separate offense. In the case of a continuing vio-
9 lation, each day's continuance is a separate violation.

10 (c) A civil penalty imposed under this section may be remitted or reduced upon such
11 terms and conditions that the board considers proper and consistent with public policy.

12 (d) Civil penalties under this subsection shall be imposed in the manner provided in ORS
13 183.745.

14 SECTION 3. Section 2 of this 2009 Act applies to compensation given or paid to pre-
15 scribing professionals in calendar years beginning on or after January 1, 2010, and to annual
16 reports of compensation filed with the State Board of Pharmacy on or after January 1, 2011.
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