

House Bill 2468

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, 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 **as introduced**.

Requires drug manufacturers to file with State Board of Pharmacy annual report listing compensation given or paid to physicians and nurse practitioners. 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.**

8 (b) **"Prescribing professional" means:**

9 (A) **A nurse practitioner as defined in ORS 678.010; or**

10 (B) **A physician as defined in ORS 677.010.**

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

13 (b) **The report must:**

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

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

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

18 (i) **Identify the nature of the compensation;**

19 (ii) **List the value of the compensation; and**

20 (iii) **Identify the prescribing professional.**

21 (c) **Reports filed under this subsection are subject to disclosure as public records under**
22 **the provisions of ORS 192.410 to 192.505.**

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

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

29 (c) **A civil penalty imposed under this section may be remitted or reduced upon such**

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 **terms and conditions that the board considers proper and consistent with public policy.**

2 **(d) Civil penalties under this subsection shall be imposed in the manner provided in ORS**
3 **183.745.**

4 **SECTION 3. Section 2 of this 2009 Act applies to compensation paid to prescribing pro-**
5 **fessionals in calendar years beginning on or after January 1, 2010, and to annual reports of**
6 **compensation filed with the State Board of Pharmacy on or after January 1, 2011.**

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