

# Senate Bill 649

Sponsored by Senator MORRISETTE

## 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 and wholesale drug outlets to adopt marketing code of conduct and make annual report to State Board of Pharmacy.

## A BILL FOR AN ACT

1  
2 Relating to pharmaceutical sales.

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) A manufacturer or wholesale drug outlet that employs a person to sell**  
6 **a drug in this state shall:**

7 (a) **Adopt a written marketing code of conduct that establishes the practices and stan-**  
8 **dards that govern the manufacturer's or wholesale drug outlet's sales and marketing activ-**  
9 **ities. The marketing code of conduct must incorporate principles of health care, including a**  
10 **requirement that the activities of the wholesaler or manufacturer be intended to benefit**  
11 **patients, enhance the practice of medicine and not interfere with the independent judgment**  
12 **of health care professionals.**

13 (b) **Provide regular training on the marketing code of conduct to employees engaged in**  
14 **the sale and marketing of drugs.**

15 (c) **Conduct an annual audit to monitor compliance with the marketing code of conduct.**

16 (d) **Adopt policies and procedures for investigating noncompliance with the marketing**  
17 **code of conduct, including procedures for reporting noncompliance, investigation of reports**  
18 **of noncompliance, policies for corrective action in response to noncompliance and procedures**  
19 **for reporting noncompliance to law enforcement authorities in appropriate circumstances.**

20 (e) **Identify a compliance officer responsible for developing and ensuring compliance with**  
21 **the marketing code of conduct.**

22 (2) **A manufacturer or wholesale drug outlet that employs a person to sell or market a**  
23 **drug in this state shall submit the following information to the State Board of Pharmacy**  
24 **each year in the form and manner required by the board by rule:**

25 (a) **The marketing code of conduct adopted by the manufacturer or wholesale drug outlet;**

26 (b) **A description of the training program established by the manufacturer or wholesale**  
27 **drug outlet;**

28 (c) **A written statement certifying that the manufacturer or wholesale drug outlet has**  
29 **conducted the annual audit;**

30 (d) **A description of the policies and procedures for investigating noncompliance with the**  
31 **marketing code of conduct adopted by the manufacturer or wholesale drug outlet; and**

**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       (e) The name, title and contact information for the compliance officer appointed by the  
2 manufacturer or wholesale drug outlet.

3       (3) The State Board of Pharmacy shall report to the Legislative Assembly in the manner  
4 provided in ORS 192.245 by March 31 of each odd-numbered year on the status of marketing  
5 codes of conduct.

6       SECTION 3. A manufacturer or wholesale drug outlet that is subject to the requirements  
7 of section 2 of this 2009 Act shall submit its first report to the State Board of Pharmacy as  
8 required by section 2 (2) of this 2009 Act by December 31, 2010.

9       SECTION 4. Section 2 of this 2009 Act becomes operative on June 30, 2010.  
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