



Open Government Impact Statement

79th Oregon Legislative Assembly
2018 Regular Session

Measure: HB 4005 - A

Only impacts on Original or Engrossed
Versions are Considered Official

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SUMMARY

Requires prescription drug manufacturer to report annually information to Department of Consumer and Business Services regarding prices of prescription drugs and costs associated with developing and marketing prescription drugs. Authorizes department to impose civil penalties on manufacturer for failing to comply with reporting requirements.

Requires health insurers that offer prescription drug benefit to report to department specified information about prescription drug prices and impact of prescription drug prices on premium rates. Authorizes department to adopt by rule fees on manufacturers.

Requires department to conduct annual public hearing on prescription drug prices and related information reported by manufacturers.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure requires certain prescription drug manufacturers to report to The Department of Consumer and Business Services information that could include trade secrets. The department shall publish portions of that information to its website. Prior to publishing the information, the department must determine whether the information is conditionally exempt from disclosure as a trade secret, and whether the public interest in the information requires its disclosure. The department may not publish conditionally exempt trade secret information for which disclosure is not required by the public interest in the information. If information is withheld from public disclosure, the department is required to prepare and post to its website a report describing the nature of the information and the basis for withholding the information from public disclosure. This measure allows a person to appeal the department's decision to withhold the information from public disclosure without first having submitted a public records request for the information.

If the public records were instead subject to mandatory disclosure under public records law, trade secret information of prescription drug manufacturers would more likely be made public.