

House Bill 2961

Sponsored by Representatives PRUSAK, MEEK, WALLAN; Representatives MITCHELL, NERON, NOSSE, SCHOUTEN, Senators DEMBROW, FAGAN

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 manufacturer to disclose in any advertisement for prescription drug wholesale price in Oregon of prescription drug. Imposes civil penalty for violation of requirement.

A BILL FOR AN ACT

1
2 Relating to a requirement to disclose wholesale pricing in prescription drug advertising.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Advertise” means to communicate information about a prescription drug by means**
6 **of newspaper, radio, television or other print, broadcast or electronic media for the purpose**
7 **of creating interest in or selling the prescription drug.**

8 (b) **“Drug” has the meaning given that term in ORS 689.005.**

9 (c)(A) **“Manufacture” means to extract a substance of natural origin or to chemically**
10 **synthesize a substance to produce, prepare, propagate, compound, convert or otherwise**
11 **make a drug and to package, repackage or label a container for the drug.**

12 (B) **“Manufacture” does not include preparing or compounding a drug:**

13 (i) **As an individual for the individual's own use;**

14 (ii) **As a health care practitioner as an incidental part of administering or dispensing a**
15 **drug in the course of professional practice; or**

16 (iii) **As a health care practitioner or under a health care practitioner's authorization or**
17 **supervision for the purpose of or as an incidental part of research, teaching or chemical**
18 **analysis of a drug that is unrelated to selling the drug.**

19 (d) **“Manufacturer” means a person that manufactures prescription drugs for sale or**
20 **distribution in this state.**

21 (e) **“Prescription drug” means a drug that, under applicable federal or state law or reg-**
22 **ulation:**

23 (A) **Requires the label “Caution: Federal law prohibits dispensing without prescription”**
24 **before the drug may be dispensed or delivered;**

25 (B) **Only a health care practitioner may use or dispense; or**

26 (C) **May be dispensed only by prescription.**

27 (2) **A manufacturer that advertises a prescription drug shall clearly and conspicuously**
28 **disclose in the advertisement the wholesale price that pharmacies located in this state pay**
29 **for the prescription drug.**

30 (3) **The Attorney General may impose a civil penalty of not more than \$5,000 on a man-**
31 **ufacturer for each advertisement that does not comply with the requirement set forth in**

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 subsection (2) of this section. The Attorney General shall pay all moneys recovered as civil
2 penalties under this subsection into the State Treasury to the credit of the General Fund.
3 The moneys paid to the General Fund under this subsection are available for general gov-
4 ernmental purposes.

5 SECTION 2. Section 1 of this 2019 Act applies to a prescription drug advertisement that
6 is disseminated on or after the effective date of this 2019 Act.

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