

SB 763 -1 STAFF MEASURE SUMMARY

Senate Committee On Health Care

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Meeting Dates: 3/3, 4/7

WHAT THE MEASURE DOES:

Prohibits person from engaging in business as pharmaceutical representative unless person has been licensed by the Department of Consumer and Business Services (DCBS). Defines key terms, including "compensation" and "pharmaceutical product." Specifies acts constituting engaging in business as pharmaceutical representative. Specifies license application requirements and procedures, required qualifications of licensee, and basis on which DCBS Director may issue, renew, or reinstate license. Specifies duties for licensees and licensee applicants, including required disclosures and notifications to DCBS. Prohibits specified acts by licensees and permitted disciplinary actions. Requires DCBS Director to establish continuing education requirements for licensees by rule. Requires DCBS Director to report to Legislative Assembly by December 31 of each year on required licensee disclosures. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 **Replaces measure.** Clarifies requirements for license renewal and reinstatement. Removes examination and one-year supervision required qualifications for licensure. Removes continuing education requirements.

REVENUE: No revenue impact

FISCAL: Fiscal impact issued

BACKGROUND:

According to a review of medical marketing conducted in the United States from 1997-2016, marketing to medical professionals accounted for the highest proportion of spending on prescription drug marketing, totaling \$20.3 billion in 2016. While pharmaceutical representatives provide useful information to clinicians, these representatives are often incentivized to increase drug sales or steer clinicians toward higher-priced drugs that might not be the best value for the patient. These incentives can jeopardize appropriate medical care and increase the overall cost of prescription drugs.

Senate Bill 763 establishes pharmaceutical representative licensure through the Department of Consumer and Business Services and specifies duties and responsibilities of pharmaceutical representative licensees.