

ASSEMBLY, No. 5449

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 23, 2019

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Requires New Jersey State Board of Pharmacy to establish prescription drug pricing disclosure website and certain pharmaceutical manufacturing companies to provide prescription drug price information.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the disclosure of prescription drug price
2 information and supplementing P.L.2003, c.280 (C.45:14-
3 40 et seq.) and Title 24 of the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. The New Jersey State Board of Pharmacy shall develop a
9 prescription drug pricing disclosure website in order to make
10 prescription drug price information available to New Jersey
11 practitioners. The website shall have a dedicated link that is
12 prominently displayed on the board's home page.

13 b. The website shall include, at a minimum, the following data
14 elements, separated by therapeutic category:

15 (1) name of the product;

16 (2) whether the drug is brand name or generic;

17 (3) drug strength;

18 (4) per-unit wholesale acquisition cost of the drug, provided to
19 the board by pharmaceutical manufacturing companies pursuant to
20 section 2 of P.L. , c. (C.) (pending before the Legislature as
21 this bill); and

22 (5) any disclaimers deemed appropriate by the board.

23 c. The board shall actively seek grant funds to implement the
24 provisions of this section, and implementation shall be contingent
25 upon the board obtaining sufficient grant funds for the development,
26 operation, and continued maintenance of the prescription drug pricing
27 disclosure website. The board shall have the authority to enter into a
28 contract for the administration of the board's responsibilities pursuant
29 to this section.

30 d. Each State board and other entity that, under Title 45 of the
31 Revised Statutes, regulates individuals with prescriptive authority in
32 New Jersey shall advise the licensees of the board or entity at least
33 once annually of the opportunity to access the prescription drug
34 pricing disclosure website.

35
36 2. a. For the purposes of the prescription drug pricing disclosure
37 website required by the New Jersey State Board of Pharmacy
38 pursuant to section 1 of P.L. , c. (C.) (pending before the
39 Legislature as this bill), each pharmaceutical manufacturing company
40 that engages in prescription drug marketing, either directly or through
41 the use of a pharmaceutical marketer, with a New Jersey practitioner
42 as defined in section 2 of P.L.2003, c.280 (C.45:14-41), a
43 practitioner's designee, or any member of a practitioner's staff, shall
44 provide to the New Jersey State Board of Pharmacy, no later than
45 January first, April first, July first, and October first of each calendar
46 year, the current wholesale acquisition cost information for the
47 pharmaceutical drugs or biological products marketed in the State by
48 that company.

1 is prominently displayed on the board's home page and include, at a
2 minimum, the following data elements, separated by therapeutic
3 category: (1) name of the product; (2) whether the drug is brand
4 name or generic; (3) drug strength; (4) per-unit wholesale
5 acquisition cost of the drug, provided to the board by pharmaceutical
6 manufacturing companies as required by the bill; and (5) any
7 disclaimers deemed appropriate by the board. Each State board and
8 other entity that, under Title 45 of the Revised Statutes, regulates
9 individuals with prescriptive authority in New Jersey is required to
10 advise the licensees of the board or entity at least once annually of the
11 opportunity to access the prescription drug pricing disclosure website.

12 The bill also requires that each pharmaceutical manufacturing
13 company that engages in any form of prescription drug marketing,
14 either directly or through the use of a pharmaceutical marketer, with a
15 New Jersey practitioner, a practitioner's designee, or any member of a
16 practitioner's staff, to provide to the board, no later than January first,
17 April first, July first, and October first of each calendar year, the
18 current wholesale acquisition cost information for the pharmaceutical
19 drugs or biological products marketed in the State by that company.
20 Any pharmaceutical manufacturing company that fails to comply
21 with these requirements will be liable to a penalty as follows: for
22 the first offense, not less than \$200 nor more than \$5,000; and, for
23 the second and each succeeding offense, not less than \$1,000 nor
24 more than \$20,000.

25 Under the bill, "wholesale acquisition cost" means the
26 pharmaceutical manufacturing company's list price for the
27 pharmaceutical drug or biological product to wholesalers or direct
28 purchasers in the United States for the most recent month for which
29 the information is available, as reported in wholesale price guides or
30 other publications of pharmaceutical drug or biological product pricing
31 data, not including prompt pay or other discounts, rebates, or
32 reductions in price.