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

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

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

SECTION 1. (1) As used in this section:
(a) “Advertise” means to communicate information about a prescription drug by means of newspaper, radio, television or other print, broadcast or electronic media for the purpose of creating interest in or selling the prescription drug.
(b) “Drug” has the meaning given that term in ORS 689.005.
(c)(A) “Manufacture” means to extract a substance of natural origin or to chemically synthesize a substance to produce, prepare, propagate, compound, convert or otherwise make a drug and to package, repackage or label a container for the drug.
(B) “Manufacture” does not include preparing or compounding a drug:
(i) As an individual for the individual’s own use;
(ii) As a health care practitioner as an incidental part of administering or dispensing a drug in the course of professional practice; or
(iii) As a health care practitioner or under a health care practitioner’s authorization or supervision for the purpose of or as an incidental part of research, teaching or chemical analysis of a drug that is unrelated to selling the drug.
(d) “Manufacturer” means a person that manufactures prescription drugs for sale or distribution in this state.
(e) “Prescription drug” means a drug that, under applicable federal or state law or regulation:
(A) Requires the label “Caution: Federal law prohibits dispensing without prescription” before the drug may be dispensed or delivered;
(B) Only a health care practitioner may use or dispense; or
(C) May be dispensed only by prescription.
(2) A manufacturer that advertises a prescription drug shall clearly and conspicuously disclose in the advertisement the wholesale price that pharmacies located in this state pay for the prescription drug.
(3) The Attorney General may impose a civil penalty of not more than $5,000 on a manufacturer 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.

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

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