

SB 290 INTRODUCED BY VAUGHN, REGAN, ANDERSON, JR., ET AL.
REQUIRE PHARMACIES TO POST PRICE AND GENERIC
EQUIVALENT OF BRAND-NAME DRUGS

2/05 INTRODUCED

2/05 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY

2/13 HEARING

2/19 STATEMENT OF INTENT ADOPTED

2/19 ADVERSE COMMITTEE REPORT ADOPTED

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SENATE BILL NO. 290

INTRODUCED BY *Vaughn* *McLind* *Hughes* *Marko* *Cronley* *Boek* *Vincent* *Carson*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PHARMACIES TO POST A PRESCRIPTION DRUG LIST CONTAINING INFORMATION TO ASSIST CONSUMERS IN MAKING INFORMED PURCHASING DECISIONS; GRANTING THE BOARD OF PHARMACY AUTHORITY TO ADOPT RULES NECESSARY FOR IMPLEMENTATION OF THIS ACT; AND AMENDING SECTION 37-7-510, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Prescription drug list. Each pharmacy must post on the premises in a place conspicuous to customers a list of the 100 brand-name prescription drugs most frequently sold in this state and the generic-name equivalent for each drug. The list must be of uniform style and size, be no smaller than 17 inches wide by 28 inches high, and contain space for the insertion of the retail price charged in the pharmacy for the three quantities most frequently dispensed in this state of each brand-name prescription drug and its generic-name equivalent. The list must be completed and posted by each pharmacy in accordance with rules adopted by the board of pharmacy.

NEW SECTION. Section 2. Price quotations. Upon request of a customer, a pharmacist or his employee shall

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provide the current retail price for any prescription drug sold at the pharmacy.

NEW SECTION. Section 3. Additional requirements. The board of pharmacy shall by rule specify any additional requirements necessary for the implementation of [sections 1 and 2]. Such rules must include but are not limited to rules that:

(1) designate those prescription drugs that must be included in the list provided for in [section 1]; and

(2) establish requirements for the preparation and posting of information that must be made available to prescription drug customers.

NEW SECTION. Section 4. Applicability. (1) Nothing in [this act] may apply to a pharmacy that is located in a licensed hospital and accessible only to hospital medical staff and personnel.

(2) Notwithstanding any other provision of [this act], no pharmacy may be required to:

(a) provide the price of a prescription drug to a competitor; or

(b) furnish prescription drug price information to an out-of-state party.

Section 5. Section 37-7-510, MCA, is amended to read: "37-7-510. Penalty. (1) In addition to all other penalties provided by law, a person who violates the



1 provisions of 37-7-505, 37-7-506, or 37-7-507, [section 1],
2 or [section 2] or any rule promulgated as provided in
3 37-7-503 or [section 3] shall be fined no more than \$250 for
4 each violation.

5 (2) The penalty imposed under this part may be
6 remitted or mitigated upon such terms and conditions as the
7 board of pharmacy considers proper and consistent with the
8 public health and safety.

9 (3) A civil penalty imposed under this part becomes
10 due and payable when the person incurring the penalty
11 receives a notice in writing from the board of pharmacy.
12 The notice shall be sent by registered or certified mail and
13 must include:

14 (a) reference to the particular sections of the
15 statute or rule;

16 (b) a short and plain statement of the matters
17 asserted as charged;

18 (c) a statement of the amount of the penalty or
19 penalties imposed; and

20 (d) a statement of the person's right to request a
21 hearing.

22 (4) The person to whom the notice is addressed has 20
23 days from the date of the notice in which to make written
24 application for a hearing before the board of pharmacy."

25 NEW SECTION. Section 6. Codification instruction.

1 Sections 1 through 4 are intended to be codified as an
2 integral part of Title 37, chapter 7, part 5, and the
3 provisions of Title 37, chapter 7, part 5, apply to sections
4 1 through 4.

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