

HOUSE BILL NO. 355

INTRODUCED BY HARPER, WELDON, DAVIS, REAM, EWER,
RUSSELL, SQUIRES, TOOLE, RYAN, WYATT, GALVIN,
GERVAIS, GRADY, ECK, STRIZICH, COCCHIARELLA,
MENAHAH, WHALEN, DOHERTY, TUNBY, MCCAFFREE,
PAVLOVICH, PIPINICH, DOWELL, KADAS,
STOVALL, MILLS, COBB

IN THE HOUSE

JANUARY 26, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT. FIRST READING.
JANUARY 27, 1993	ON MOTION, REREFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1993	PRINTING REPORT. SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 83; NOES, 13.
FEBRUARY 24, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY. FIRST READING.
MARCH 26, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 29, 1993	THIRD READING, CONCURRED IN. AYES, 40; NOES, 7. RETURNED TO HOUSE.

IN THE HOUSE

MARCH 30, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 355

INTRODUCED BY

Raymond Jaworski
David Ream *Emil Rasmussen* *Devin Tork W. Ryan*
Walter Babin *Brian Smith*
Christopher Murrah *Whalen Bhermy* *Scott Miller*
Patrick L. Smith *Dr. Rick Rockas* *Steve Cobb*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE MONTHLY POSTING OF THE 20 TOP-SELLING PRESCRIPTION DRUGS BY EACH LICENSED PHARMACY; PROVIDING FOR A VIOLATION AND PENALTY;

AND AMENDING SECTIONS 37-7-321 AND 37-7-510, MCA."

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

NEW SECTION. Section 1. Posting of prescription drug

prices -- violation. (1) A licensed pharmacy engaged in the sale of prescription drugs shall post a listing of the 20 top-selling prescription drugs by brand name and retail price and by generic name and retail price on a monthly basis. The posting must list the brand name of the prescription drug, the quantity and dosage of the prescription drug, the retail price of the brand name, the generic name of the prescription drug, and the retail price of the generic drug at the same quantity and dosage as the corresponding brand name.

(2) A consumer may report to the board of pharmacy a violation of this section by filing a written complaint. A violation of this section is subject to the provisions of 37-7-321 and 37-7-510.

Section 2. Section 37-7-321, MCA, is amended to read:

"37-7-321. Certified pharmacy license -- suspension or revocation. (1) The board shall provide for the original certification and annual renewal by the department of every pharmacy doing business in this state. On presentation of evidence satisfactory to the board and on application on a form prescribed by the board and on the payment of an original certification fee prescribed by the board, the department shall issue a license to a pharmacy as a certified pharmacy. However, the license may be granted only to pharmacies operated by registered pharmacists qualified under this chapter. The annual renewal fee for a pharmacy ~~shall~~ must be set by the board. Any default in the payment of ~~such the~~ renewal fee after the date the ~~same fee~~ is due ~~shall--increase~~ increases the renewal fee as prescribed by the board. The license must be displayed in a conspicuous place in the pharmacy for which it is issued and expires on June 30 following the date of issue. It is unlawful for a person to conduct a pharmacy, use the word "pharmacy" to identify ~~his~~ the person's business, or use the word "pharmacy" in advertising unless a license has been issued and is in effect.

(2) The board may suspend, revoke, or refuse to renew a pharmacy license:

- (a) obtained by false representation or fraud;
- (b) when the pharmacy for which the license is issued

is kept open for the transaction of business without a pharmacist in charge;

(c) when the person to whom the license is granted has been convicted of:

(i) a violation of parts 1 through 3 of this chapter; or

(ii) a violation of the Federal Food, Drug, and Cosmetic Act (Title 21, chapter 9, U.S.C.); chapter 2 or 7 of Title 37, chapter 9 or 10 of Title 45, or chapter 31 or 32 of Title 50, MCA; or rules adopted under such the act or chapters;

(d) when the person to whom the license is granted is a natural person whose pharmacist license has been revoked; or

(e) when the pharmacy is conducted in violation of parts 1 through 3 of this chapter; or

(f) when the pharmacy is in violation of [section 1] and until compliance is attained.

(3) Before a license can be revoked, the holder is entitled to a hearing by the board."

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

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

(3) Upon confirmation of a written complaint regarding a violation of [section 1], the board of pharmacy shall either demand compliance prior to the issuance of a license renewal or impose the civil penalty under subsection (4).

~~(3)~~(4) A civil penalty imposed under this part becomes due and payable when the person incurring the penalty receives a notice in writing from the board of pharmacy. The notice ~~shall~~ must be sent by registered--or certified mail and must include:

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

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

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

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

~~(4)~~(5) The person to whom the notice is addressed has 20 days from the date of the notice in which to make written application for a hearing before the board of pharmacy."

NEW SECTION. **Section 4.** Codification instruction.

LC 0685/01

1 [Section 1] is intended to be codified as an integral part
2 of Title 37, chapter 7, and the provisions of Title 37,
3 chapter 7, apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0355, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act requiring the monthly posting of the 20 top-selling prescription drugs by each licensed pharmacy.

ASSUMPTIONS:

1. All of the reporting requirements are on the licensee.

FISCAL IMPACT: No state impact.

Dave Lewis 1-29-93

DAVID LEWIS, BUDGET DIRECTOR
Office of Budget and Program Planning

Harper 1/29/93

HAL HARPER, PRIMARY SPONSOR

DATE

Fiscal Note for HB0355, as introduced

HB 355

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

HOUSE BILL NO. 355

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STOVALL, MILLS, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF
PHARMACY TO ADOPT A RULE UNDER CERTAIN CIRCUMSTANCES; AND
REQUIRING THE MONTHLY POSTING OF THE 20 TOP-SELLING
PRESCRIPTION DRUGS BY EACH LICENSED PHARMACY PHARMACIES;
~~PROVIDING FOR A VIOLATION AND PENALTY; AND AMENDING SECTIONS~~
~~37-7-321 AND 37-7-510, MCA.~~"

WHEREAS, RAPIDLY RISING COSTS OF PRESCRIPTION DRUGS ARE
ONE OF TODAY'S MOST SERIOUS PROBLEMS FACING PERSONS ON FIXED
OR LOWER INCOMES; AND

WHEREAS, EVEN THOUGH PRESCRIPTION DRUG PRICE INCREASES
ARE DICTATED BY PHARMACEUTICAL MANUFACTURERS, THERE ARE
SOMETIMES SIGNIFICANT DIFFERENCES IN PRICE FOR THE SAME
PRESCRIPTION DRUG AMONG RETAIL PHARMACIES; AND

WHEREAS, IN SOME INSTANCES, THE ABILITY TO COMPARISON
SHOP FOR PRESCRIPTION DRUGS CAN BE HELPFUL TO THE CONSUMER
IN CHOOSING A PHARMACY TO PATRONIZE.

STATEMENT OF INTENT

A STATEMENT OF INTENT IS NECESSARY FOR THIS BILL BECAUSE
[SECTION 1] REQUIRES THE BOARD OF PHARMACY, UNDER CERTAIN
CIRCUMSTANCES, TO ADOPT A RULE REQUIRING THE LISTING OF
CERTAIN PRESCRIPTION DRUGS. THE LEGISLATURE INTENDS THAT THE
BOARD OF PHARMACY MAKE EVERY EFFORT TO DEVISE, IN
CONSULTATION WITH SENIOR CITIZENS, OTHER CONSUMER
ORGANIZATIONS, AND RETAIL PHARMACISTS, A WORKABLE AND
PRACTICAL SYSTEM FOR THE LISTING OF PRESCRIPTION DRUG
PRICES. THE LIST SHOULD BE BASED UPON STANDARD ASSUMPTIONS
AS TO THE QUANTITY AND DOSAGE IN ORDER TO FACILITATE
COMPARISON OF PRICES.

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

NEW SECTION. Section 1. Posting of prescription drug
prices -- violation: ADOPTION OF LIST BY RULE. (1) -- A
licensed -- pharmacy engaged in the sale of prescription drugs
shall post a listing of the 20 top-selling prescription
drugs by brand name and retail price and by generic name and
retail price on a monthly basis. The posting must list the
brand name of the prescription drug, the quantity and dosage
of the prescription drug, the retail price of the brand
name, the generic name of the prescription drug, and the
retail price of the generic drug at the same quantity and
dosage as the corresponding brand name.

(2)--A--consumer--may--report--to--the--board--of--pharmacy--a
violation--of--this--section--by--filing--a--written--complaint--A
violation--of--this--section--is--subject--to--the--provisions--of
37-7-321--and--37-7-510. IF THE BOARD OF PHARMACY FINDS AFTER
A PUBLIC HEARING THAT THE INTERESTS OF CONSUMERS WILL BE
FURTHERED BY ITS ACTION, THE BOARD SHALL ANNUALLY ADOPT BY
RULE A LIST OF 20 PRESCRIPTION DRUGS FREQUENTLY PRESCRIBED
FOR OUTPATIENT DISPENSING IN MONTANA. A LICENSED PHARMACY,
OTHER THAN IN A HOSPITAL OR NURSING HOME, THAT SELLS
PRESCRIPTION DRUGS SHALL MONTHLY POST ITS PRICES FOR THE
DRUGS ON THE LIST ADOPTED BY THE BOARD. THE LIST MUST SHOW
THE DRUGS BY BRAND NAME AND RETAIL PRICE AND BY GENERIC NAME
AND RETAIL PRICE.

Section 2.--Section 37-7-321, MCA, is amended to read:--

**"37-7-321.--Certified-pharmacy-license---suspension--or
revocation--(1)--The--board--shall--provide--for--the--original
certification--and--annual--renewal--by--the--department--of--every
pharmacy--doing--business--in--this--state--On--presentation--of
evidence--satisfactory--to--the--board--and--on--application--on--a
form--prescribed--by--the--board--and--on--the--payment--of--an
original--certification--fee--prescribed--by--the--board,--the
department--shall--issue--a--license--to--a--pharmacy--as--a
certified-pharmacy--However,--the--license--may--be--granted--only
to--pharmacies--operated--by--registered--pharmacists--qualified
under--this--chapter,--The--annual--renewal--fee--for--a--pharmacy**

shall must be set by the board. Any default in the payment
of such the renewal fee after the date the same fee is due
shall--increase increases the renewal fee as prescribed by
the board. The license must be displayed in a conspicuous
place in the pharmacy for which it is issued and expires on
June 30 following the date of issue. It is unlawful for a
person to conduct a pharmacy, use the word "pharmacy" to
identify his the person's business, or use the word
"pharmacy" in advertising unless a license has been issued
and is in effect.

(2)--The board may suspend, revoke, or refuse to renew a
pharmacy license:

(a)--obtained by false representation or fraud;

(b)--when the pharmacy for which the license is issued
is kept open for the transaction of business without a
pharmacist in charge;

(c)--when the person to whom the license is granted has
been convicted of;

(i)--a violation of parts 1 through 3 of this chapter;
or

(ii)--a violation of the Federal Food, Drug, and Cosmetic
Act (Title 21, chapter 9, U.S.C.), chapter 2 or 7 of Title
37, chapter 9 or 10 of Title 45, or chapter 31 or 32 of
Title 50, MCA, or rules adopted under such the act or
chapters;

1 (d)--when-the-person-to-whom-the-license-is-granted-is-a
 2 natural-person-whose-pharmacist-license-has-been-revoked; or
 3 (e)--when--the--pharmacy--is--conducted--in-violation-of
 4 parts-1-through-3-of-this-chapter; or
 5 (f)--when-the-pharmacy-is-in-violation--of--(section-1)
 6 and-until-compliance-is-attained;
 7 (3)--Before--a--license--can--be--revoked, the holder is
 8 entitled-to-a-hearing-by-the-board."

9 **Section 3.**--Section 37-7-510, MCA, is amended to read:--
 10 "37-7-510. Penalty.--(1)--In--addition--to--all--other
 11 penalties--provided--by--law, a person who violates--the
 12 provisions--of--37-7-505, 37-7-506, or 37-7-507, or (section
 13 1) or any rule promulgated as provided in 37-7-503 shall--be
 14 fined no more than \$250 for each violation;

15 (2)--The penalty imposed under this part may be remitted
 16 or--mitigated upon such terms and conditions as the board of
 17 pharmacy considers proper and--consistent--with--the--public
 18 health and safety;

19 (3)--Upon--confirmation-of-a-written-complaint-regarding
 20 a-violation-of-(section-1), the board--of--pharmacy--shall
 21 either--demand-compliance-prior-to-the-issuance-of-a-license
 22 renewal or impose the civil penalty under subsection (4);

23 (3)(4)--A civil penalty imposed under this part--becomes
 24 due--and--payable--when--the--person--incurring--the--penalty
 25 receives a notice in writing from the board of pharmacy; The

1 notice shall must be sent by registered--or--certified--mail
 2 and must include:
 3 (a)--reference-to-the-particular-sections-of-the-statute
 4 or rule;
 5 (b)--a short and plain statement of the matters asserted
 6 as charged;
 7 (c)--a--statement--of--the--amount--of--the--penalty--or
 8 penalties imposed; and
 9 (d)--a--statement--of--the--person's--right-to-request-a
 10 hearing;

11 (4)(5)--The person to whom the notice is--addressed--has
 12 20 days from the date of the notice in which to make written
 13 application for a hearing before the board of pharmacy."

14 **NEW SECTION. Section 2.** Codification instruction.
 15 [Section 1] is intended to be codified as an integral part
 16 of Title 37, chapter 7, and the provisions of Title 37,
 17 chapter 7, apply to [section 1].

-End-

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REQUIRING THE MONTHLY POSTING OF THE 20 TOP-SELLING
PRESCRIPTION DRUGS BY EACH LICENSED PHARMACY PHARMACIES;
~~PROVIDING FOR A VIOLATION AND PENALTY; AND AMENDING SECTIONS~~
~~37-7-321 AND 37-7-518, MCA."~~

WHEREAS, RAPIDLY RISING COSTS OF PRESCRIPTION DRUGS ARE
ONE OF TODAY'S MOST SERIOUS PROBLEMS FACING PERSONS ON FIXED
OR LOWER INCOMES; AND

WHEREAS, EVEN THOUGH PRESCRIPTION DRUG PRICE INCREASES
ARE DICTATED BY PHARMACEUTICAL MANUFACTURERS, THERE ARE
SOMETIMES SIGNIFICANT DIFFERENCES IN PRICE FOR THE SAME
PRESCRIPTION DRUG AMONG RETAIL PHARMACIES; AND

WHEREAS, IN SOME INSTANCES, THE ABILITY TO COMPARISON
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[SECTION 1] REQUIRES THE BOARD OF PHARMACY, UNDER CERTAIN
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CERTAIN PRESCRIPTION DRUGS. THE LEGISLATURE INTENDS THAT THE
BOARD OF PHARMACY MAKE EVERY EFFORT TO DEVISE, IN
CONSULTATION WITH SENIOR CITIZENS, OTHER CONSUMER
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Posting of prescription drug
prices -- violation: ADOPTION OF LIST BY RULE. (1) -- A
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shall post a listing of the 20 top-selling prescription
drugs by brand name and retail price and by generic name and
retail price on a monthly basis. The posting must list the
brand name of the prescription drug, the quantity and dosage
of the prescription drug, the retail price of the brand
name, the generic name of the prescription drug, and the
retail price of the generic drug at the same quantity and
dosage as the corresponding brand name.

1 (2)--A--consumer--may--report-to-the-board-of-pharmacy-a
 2 violation-of-this-section-by-filing-a-written-complaint.--A
 3 violation--of--this--section-is-subject-to-the-provisions-of
 4 37-7-321-and-37-7-516. IF THE BOARD OF PHARMACY FINDS AFTER
 5 A PUBLIC HEARING THAT THE INTERESTS OF CONSUMERS WILL BE
 6 FURTHERED BY ITS ACTION, THE BOARD SHALL ANNUALLY ADOPT BY
 7 RULE A LIST OF 20 PRESCRIPTION DRUGS FREQUENTLY PRESCRIBED
 8 FOR OUTPATIENT DISPENSING IN MONTANA. A LICENSED PHARMACY,
 9 OTHER THAN IN A HOSPITAL OR NURSING HOME, THAT SELLS
 10 PRESCRIPTION DRUGS SHALL MONTHLY POST ITS PRICES FOR THE
 11 DRUGS ON THE LIST ADOPTED BY THE BOARD. THE LIST MUST SHOW
 12 THE DRUGS BY BRAND NAME AND RETAIL PRICE AND BY GENERIC NAME
 13 AND RETAIL PRICE.

14 **Section 2.**--Section 37-7-321, MCA, is amended to read:--
 15 "37-7-321.--Certified-pharmacy-license---suspension--or
 16 revocation.--(1)--The--board--shall--provide--for--the--original
 17 certification-and-annual-renewal-by-the-department-of--every
 18 pharmacy--doing--business--in--this--state--On--presentation--of
 19 evidence-satisfactory-to-the-board-and-on-application--on--a
 20 form--prescribed--by--the--board--and--on--the--payment--of--an
 21 original-certification-fee--prescribed--by--the--board,--the
 22 department--shall--issue--a--license--to--a--pharmacy--as--a
 23 certified-pharmacy. However, the license may be granted only
 24 to--pharmacies--operated--by--registered-pharmacists-qualified
 25 under--this--chapter. The annual renewal fee--for--a--pharmacy

1 shall must be set by the board. Any default in the payment
 2 of such the renewal fee after the date the same fee is--due
 3 shall--increase increases the renewal fee as prescribed by
 4 the board. The license must be displayed--in--a--conspicuous
 5 place--in--the--pharmacy--for--which--it--is--issued--and--expires--on
 6 June 30 following the date of issue. It is--unlawful--for--a
 7 person--to--conduct--a--pharmacy, use the word "pharmacy"--to
 8 identify--his the person's business,--or--use--the--word
 9 "pharmacy"--in--advertising--unless--a--license--has--been--issued
 10 and is in effect.

11 (2)--The board may suspend, revoke, or refuse to renew a
 12 pharmacy license:

13 (a)--obtained by false representation or fraud;
 14 (b)--when the pharmacy for which the license is--issued
 15 is--kept--open--for--the--transaction--of--business--without--a
 16 pharmacist in charge;

17 (c)--when the person to whom the license is granted--has
 18 been convicted of:

19 (i)--a--violation--of--parts--1--through--3--of--this--chapter;
 20 or

21 (ii)--a--violation--of--the--Federal Food, Drug, and Cosmetic
 22 Act--(Title 21, chapter 9, U.S.C.); chapter 2 or 7--of--Title
 23 37,--chapter--9--or--10--of--Title 45, or chapter 31 or 32 of
 24 Title 50, MCA, or rules adopted under such the act--or
 25 chapters;

~~{d}--when the person to whom the license is granted is a natural person whose pharmacist license has been revoked; or~~

~~{e}--when the pharmacy is conducted in violation of parts 1 through 3 of this chapter; or~~

~~{f}--when the pharmacy is in violation of {section 1} and until compliance is attained;~~

~~{3}--Before a license can be revoked, the holder is entitled to a hearing by the board;"~~

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

{2}--The penalty imposed under this part may be remitted or mitigated upon such terms and conditions as the board of pharmacy considers proper and consistent with the public health and safety;

~~{3}--Upon confirmation of a written complaint regarding a violation of {section 1}, the board of pharmacy shall either demand compliance prior to the issuance of a license renewal or impose the civil penalty under subsection {4};~~

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notice shall must be sent by registered or certified mail and must include:

{a}--reference to the particular sections of the statute or rule;

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~~{4}{5}--The person to whom the notice is addressed has 20 days from the date of the notice in which to make written application for a hearing before the board of pharmacy."~~

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 7, and the provisions of Title 37, chapter 7, apply to [section 1].

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NEW SECTION. Section 1. Posting of prescription drug
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shall-post-a-listing--of--the--20--top-selling--prescription
drugs-by-brand-name-and-retail-price-and-by-generic-name-and
retail--price--on-a-monthly-basis--The-posting-must-list-the
brand-name-of-the-prescription-drug--the-quantity-and-dosage
of-the-prescription-drug--the--retail--price--of--the--brand
name--the--generic--name--of-the-prescription-drug--and-the
retail-price-of-the-generic-drug-at-the--same--quantity--and
dosage-as-the-corresponding-brand-name--

~~{2}--A--consumer--may--report--to--the--board--of--pharmacy--a
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~~"37-7-321.---Certified-pharmacy-license---suspension--or
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certification--and--annual--renewal--by--the--department--of--every
pharmacy--doing--business--in--this--state. On presentation of
evidence--satisfactory--to--the--board--and--on--application--on--a
form--prescribed--by--the--board--and--on--the--payment--of--an
original--certification--fee--prescribed--by--the--board,--the
department--shall--issue--a--license--to--a--pharmacy--as--a
certified-pharmacy. However, the license may be granted only
to--pharmacies--operated--by--registered--pharmacists--qualified
under--this--chapter. The annual renewal fee--for--a--pharmacy~~

~~shall must be set by the board. Any default in the payment
of such the renewal fee after the date the same fee is--due
shall--increase increases the renewal fee as prescribed by
the board. The license must be displayed in a conspicuous
place in the pharmacy for which it is issued and expires on
June 30 following the date of issue. It is unlawful for a
person to conduct a pharmacy, use the word "pharmacy" to
identify his the person's business, or use the word
"pharmacy" in advertising unless a license has been issued
and is in effect.~~

~~{2}--The board may suspend, revoke, or refuse to renew a
pharmacy license:~~

~~{a)--obtained by false representation or fraud;~~

~~{b)--when the pharmacy for which the license is issued
is kept open for the transaction of business without a
pharmacist in charge;~~

~~{c)--when the person to whom the license is granted has
been convicted of:~~

~~{i)--a--violation--of--parts--1--through--3--of--this--chapter;
or~~

~~{ii)--a--violation--of--the--Federal--Food,--Drug,--and--Cosmetic
Act--(Title--21,--chapter--9,--U.S.C.); chapter--2--or--7--of--Title
37--chapter--9--or--10--of--Title--45,--or--chapter--31--or--32--of
Title--50,--MCA,--or--rules--adopted--under--such the act--or
chapters;~~

~~{d}--when the person to whom the license is granted is a natural person whose pharmacist license has been revoked; or~~

~~{e}--when the pharmacy is conducted in violation of parts 1 through 3 of this chapter; or~~

~~{f}--when the pharmacy is in violation of {section 1} and until compliance is attained;~~

~~{3}--Before a license can be revoked, the holder is entitled to a hearing by the board."~~

Section 3. Section 37-7-510, MEA, is amended to read:--

"37-7-510. Penalty. {1}--In addition to all other penalties provided by law, a person who violates the provisions of 37-7-505, 37-7-506, or 37-7-507, or {section 1} or any rule promulgated as provided in 37-7-503 shall be fined no more than \$250 for each violation;

{2}--The penalty imposed under this part may be remitted or mitigated upon such terms and conditions as the board of pharmacy considers proper and consistent with the public health and safety;

~~{3}--Upon confirmation of a written complaint regarding a violation of {section 1}, the board of pharmacy shall either demand compliance prior to the issuance of a license renewal or impose the civil penalty under subsection {4};~~

~~{3}{4}--A civil penalty imposed under this part becomes due and payable when the person incurring the penalty receives a notice in writing from the board of pharmacy. The~~

notice shall must be sent by registered or certified mail and must include:

{a}--reference to the particular sections of the statute or rule;

{b}--a short and plain statement of the matters asserted as charged;

{c}--a statement of the amount of the penalty or penalties imposed; and

{d}--a statement of the person's right to request a hearing;

~~{4}{5}--The person to whom the notice is addressed has 20 days from the date of the notice in which to make written application for a hearing before the board of pharmacy."~~

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 7, and the provisions of Title 37, chapter 7, apply to [section 1].

-End-