

HOUSE BILL REPORT

HB 2680

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to reporting of gifts, fees, or payments by pharmaceutical marketers.

Brief Description: Reporting gifts from pharmaceutical marketers.

Sponsors: Representatives Green, Hasegawa, Morrell, Conway and Simpson.

Brief History:

Committee Activity:

Health Care & Wellness: 1/21/08, 1/31/08 [DPS].

Brief Summary of Substitute Bill

- Requires every pharmaceutical manufacturer to file an annual attestation that they have adopted a comprehensive marketing compliance program with the Board of Pharmacy.
- Failure to comply with the reporting requirement is subject to a civil penalty of up to \$10,000 per violation.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Barlow, Campbell, DeBolt, Green, Moeller, Pedersen, Schual-Berke and Seaquist.

Minority Report: Do not pass. Signed by 2 members: Representatives Alexander, Assistant Ranking Minority Member; Condotta.

Staff: Dave Knutson (786-7146).

Background:

In 2002 the Pharmaceutical Research and Manufacturers of America (PhRMA) adopted a voluntary marketing code to govern the pharmaceutical industry's relationships with

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physicians and other healthcare professionals. The code addresses topics such as informational presentations, meals, educational and professional meetings, conferences, consultants, speaker training, scholarships, educational items, and practice-related items. Each PhRMA member company is strongly encouraged to adopt procedures to assure adherence to the code.

The Board of Pharmacy does not currently maintain information on any gifts, fees, or payments made by a pharmaceutical manufacturer to individuals or organizations that are authorized to prescribe or purchase prescription drugs.

Summary of Substitute Bill:

Pharmaceutical manufacturers are required to file an attestation annually to the Board of Pharmacy about their adoption of a comprehensive marketing compliance program that meets minimum standards. This submission of information is to begin January 1, 2010.

The Board of Pharmacy will report this information to the Legislature and the Governor annually, on or before March 1 of each year, and post the following information on its public Internet site: the list of manufacturers who have filed attestations, and any enforcement actions taken by the Attorney General.

Failure to disclose such information can result in a civil penalty of up to \$10,000 per each violation.

Substitute Bill Compared to Original Bill:

The requirement that each gift, fee, or payment made to individuals and organizations authorized to prescribe or purchase prescription drugs is deleted. Instead, pharmaceutical manufacturers must file an annual attestation with the Board of Pharmacy that they have adopted a comprehensive compliance program that meets established minimum standards.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Pharmaceutical manufacturers use several methods to get prescribers to prescribe their drugs. Greater transparency related to drug marketers and prescribers is needed.

(Opposed) This legislation is unnecessary. Voluntary industry standards are sufficient to address this issue.

Persons Testifying: (In support) Ruth Shearer.

(Opposed) Jeff Gombosky, Pharmaceutical Research and Manufacturers of America.

Persons Signed In To Testify But Not Testifying: None.