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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 amended on January 13, 2020 by the Senate pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 12/17/2019)
AN ACT concerning the disclosure of prescription drug price
information and supplementing [P.L.2003, c.280 (C.45:14-40 et seq.)] P.L.2006, c.84 (C.45:14-81 et seq.)\(^2\) and Title 24 of
the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. a. [The New Jersey State Board of Pharmacy] As provided
in subsection c. of this section, the Division of Consumer Affairs in
the Department of Law and Public Safety\(^2\) shall develop a
prescription drug pricing disclosure website in order to make
prescription drug price information available to New Jersey
practitioners. The website shall have a dedicated link that is
prominently displayed on the [board’s] division’s\(^2\) home page.

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

  (1) name of the product;
  (2) whether the drug is brand name or generic;
  (3) drug strength;
  (4) per-unit wholesale acquisition cost of the drug, provided to
the [board] division\(^2\) by pharmaceutical manufacturing companies
pursuant to section 2 of P.L. , c. (C. ) (pending before the
Legislature as this bill); and

  (5) any disclaimers deemed appropriate by the [board]
division\(^2\) that are not inconsistent with State or federal law or
regulations\(^1\).

c. The [board] division\(^2\) shall actively seek grant funds to
implement the provisions of this section, and implementation shall
be contingent upon the [board] division\(^2\) obtaining sufficient grant
funds for the development, operation, and continued maintenance of
the prescription drug pricing disclosure website. The [board]
division\(^2\) shall have the authority to enter into a contract for the
administration of the [board’s] division’s\(^2\) responsibilities
pursuant to this section. [The division shall establish the disclosure
website no later than six months after it receives grant funds in an
amount sufficient to develop and operate the website as provided in
this subsection.]

d. Each State board and other entity that, under Title 45 of the
Revised Statutes, regulates individuals with prescriptive authority in
New Jersey shall advise the licensees of the board or entity at least

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
\(^{1}\)Senate SHH committee amendments adopted June 3, 2019.
\(^{2}\)Senate amendments adopted in accordance with Governor’s
once annually of the opportunity to access the prescription drug pricing disclosure website.

2. a. For the purposes of the prescription drug pricing disclosure website required by the New Jersey State Board of Pharmacy pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill), each pharmaceutical manufacturing company that engages in prescription drug marketing, either directly or through the use of a pharmaceutical marketer, with a New Jersey practitioner as defined in section 2 of P.L.2003, c.280 (C.45:14-41), a practitioner’s designee, or any member of a practitioner’s staff, shall provide to the New Jersey State Board of Pharmacy Division of Consumer Affairs in the Department of Law and Public Safety, no later than January first, April first, July first, and October first 30 days after the end of each quarter of the calendar year, the current wholesale acquisition cost information for the pharmaceutical drugs or biological products marketed in the State by that company.

b. The provisions of this section shall only apply to prescription drug marketing engaged in by a pharmaceutical manufacturing company and a practitioner, a practitioner’s designee, or any member of a practitioner’s staff, while physically present in the state of New Jersey.

c. Any pharmaceutical manufacturing company that fails to comply with the requirements of this section shall be liable to a penalty as follows: for the first offense, not less than $200 nor more than $5,000; and, for the second and each succeeding offense, not less than $1,000 nor more than $20,000. The penalties shall be enforced by the Director of Consumer Affairs in the Department of Law and Public Safety in a summary proceeding in accordance with the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

d. For purposes of this section:

“Pharmaceutical marketer” means a person who, while employed by or under contract to represent a pharmaceutical manufacturing company, engages in prescription drug marketing activities.

"Prescription drug marketing” means any activity, including, but not limited to, in-person meetings, physical mailings, telephonic conversations, video conferencing, electronic mail, or facsimile, that provides educational or marketing information or materials regarding a prescription drug.

"Wholesale acquisition cost” means the pharmaceutical manufacturing company’s list price for the pharmaceutical drug or biological product to wholesalers or direct purchasers in the United States for the most recent month for which the information is available, as reported in wholesale price guides or other
publications of pharmaceutical drug or biological product pricing

data, not including prompt pay or other discounts, rebates, or
reductions in price.

3. This act shall take effect immediately.