LEGISLATIVE GENERAL COUNSEL
₵ Approved for Filing: C.J. Dupont ₵
₵ 02-22-13 5:13 PM ₵

**H.B. 120**
**1st Sub. (Buff)**

**Representative Paul Ray** proposes the following substitute bill:

# INFORMATION ON PHARMACEUTICAL PRODUCTS

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Ray**

Senate Sponsor: _____

**LONG TITLE**

**General Description:**

This bill amends the Division of Occupational and Professional Licensing Act related to commercial and academic detailing for prescription drugs.

**Highlighted Provisions:**

This bill:

- defines terms;
- creates standards for providing educational information to health care providers about prescription drugs;
- expands the application of federal regulations that apply to a pharmaceutical manufacturer's drug representatives to other health care providers who make educational statements about a prescription drug;
- creates certain exceptions to the application of the federal regulations; and
- creates a private right of action if the federal regulations are violated.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**58-1-501.7**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-1-501.7** is enacted to read:

**58-1-501.7. Standards of conduct for prescription drug education -- Academic and commercial detailing.**

(1) For purposes of this section:

(a) "Academic detailing":

(i) means a health care provider who is:

(A) licensed under this title to prescribe or dispense a prescription drug; and

(B) employed by someone other than a pharmaceutical manufacturer to disseminate educational information about prescription drugs to other health care providers across a broad range of interventions in an effort to better align clinical practice with scientific research; and

(ii) does not include a health care provider who:

(A) is disseminating educational information about a prescription drug as part of teaching or supervising students or graduate medical education students at an institution of higher education or through a medical residency program; or

(B) is disseminating educational information about a prescription drug to a patient or a patient's representative.

(b) "Commercial detailing" means an educational practice employed by a pharmaceutical manufacturer in which clinical information and evidence about a prescription drug is shared with health care professionals.

(c) "Manufacture" is as defined in Section 58-37-2.

(d) "Pharmaceutical manufacturer" is a person who manufactures a prescription drug.

(2) (a) The provisions of this section apply to an academic detailer beginning July 1, 2013.

(b) An academic detailer and a commercial detailer who educate another health care provider about prescription drugs through written or oral educational material is subject to federal regulations regarding:

(i) labeling and false and misleading advertising in 21 C.F.R., Part 201 (2007);

(ii) prescription drug advertising in 21 C.F.R., Part 202 (2007); and

(iii) the federal Office of the Inspector General's Compliance Program Guidance for Pharmaceutical Manufacturers issued in April 2003, as amended.

(c) A person who is injured by a violation of this section has a private right of action against the person who violated this section.