

## HB0120S01 compared with HB0120

~~{deleted text}~~ shows text that was in HB0120 but was deleted in HB0120S01.

inserted text shows text that was not in HB0120 but was inserted into HB0120S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Paul Ray proposes the following substitute bill:

### INFORMATION ON PHARMACEUTICAL PRODUCTS

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Ray**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates standards for providing educational information to health care providers about prescription drugs~~{and devices}~~;
- ▶ 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~~{or device}~~;
- ▶ creates certain exceptions to the application of the federal regulations; and

## HB0120S01 compared with HB0120

- ▶ ~~{makes it unprofessional conduct to violate}~~ 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 ~~{or device}~~;

and

(B) employed by someone other than a pharmaceutical manufacturer to disseminate educational information about prescription drugs ~~{or devices}~~ 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 ~~{or device}~~ 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 ~~{or device}~~ 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

## HB0120S01 compared with HB0120

drug ~~or device~~ 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 ~~or device~~.

(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 ~~or devices~~ 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) It is unprofessional conduct for a health care provider licensed under this title to violate the provisions~~ A person who is injured by a violation of this section~~.~~

### Legislative Review Note

as of 2-6-13 8:59 AM

~~Office of Legislative Research and General Counsel~~ has a private right of action against the person who violated this section.