

PHARMACEUTICAL MARKETING TO CONSUMERS

AMENDMENT

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel R. Liljenquist

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to health and accident policies in the Insurance Code.

Highlighted Provisions:

This bill:

- ▶ defines kickback or bribe;
- ▶ prohibits a pharmaceutical company from offering to pay or rebate the copayment or out-of-pocket costs to induce a patient to order or purchase a drug that will be paid for in whole or in part by an accident and health insurance plan; and
- ▶ makes a violation of the statute a class B misdemeanor.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

31A-22-638, Utah Code Annotated 1953

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



28 Section 1. Section **31A-22-638** is enacted to read:

29 **31A-22-638. Kickbacks or bribes prohibited.**

30 (1) For purposes of this section:

31 (a) "Kickback" or "bribe" includes rebates, compensation, or any other form of
32 remuneration which is:

33 (i) direct or indirect;

34 (ii) overt or covert; or

35 (iii) in cash or in kind.

36 (b) "Person" means a pharmaceutical company that is not a contracted provider for the
37 accident and health insurance carrier that may be asked to pay for a drug in whole or in part.

38 (2) A person may not offer to pay or rebate a patient's copayment or out-of-pocket costs
39 in return for or to induce the purchasing or ordering of a drug as defined in Section 58-17b-102
40 for which payment is or may be made in whole or in part pursuant to an accident and health
41 insurance policy.

42 (3) A person who violates this section is guilty of a class B misdemeanor for each
43 offense.

Legislative Review Note
as of 2-15-10 11:28 AM

Office of Legislative Research and General Counsel

S.B. 230 - Pharmaceutical Marketing to Consumers Amendment

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
