

274 an action specified by the department under Subsection 26-62-302(3) or Subsection
 275 26-62-304(3).

276 (c) (i) A fee collected by the department under Subsection (3)(a) is a dedicated credit
 277 for use by the department to implement this chapter.

278 (ii) A fee collected by the Insurance Department under Subsection (3)(b) is a dedicated
 279 credit for use by the Insurance Department to perform the functions described in Subsection
 280 (3)(b).

281 (d) The fees in Subsections (3)(a) and (b) may not exceed the amount necessary to
 282 cover the cost the department incurs to implement this chapter.

283 (e) The department shall deposit in the General Fund the fees described in Subsection
 284 (3)(a) as a dedicated credit to be used solely to pay for the cost of implementing this chapter.

285 (4) Before the conditions described in Subsection (1) are satisfied, the department:

286 (a) may, to the extent allowed under United State federal and state law:

287 (i) design the prescription drug importation program; and

288 (ii) negotiate with wholesalers in Canada and the United States regarding the potential
 289 implementation of the prescription drug importation program; and

290 (b) may not:

291 (i) allow the importation of any prescription drugs under this chapter; or

292 (ii) implement any provisions of the prescription drug importation program that would
 293 violate United States federal or state law.

294 Section 10. Section **26-62-401** is enacted to read:

295 **26-62-401. Pharmaceutical manufacturer -- Prohibited conduct -- Penalties.**

296 (1) A pharmaceutical manufacturer may not:

297 (a) take any action, by agreement, unilaterally, or otherwise, that has the effect of
 298 fixing or otherwise controlling the price that a pharmaceutical supplier, distributor, or dispenser
 299 charges or advertises for pharmaceuticals in the drug importation program; or

300 (b) discriminate against a pharmaceutical supplier, distributor, or dispenser based on
 301 whether the supplier, distributor, or dispenser participates in the prescription drug importation
 302 program.

303 ~~Ĥ→ [(2) The attorney general may bring a civil action or seek an injunction against any~~
 304 ~~person who violates a provision of this section, and may seek any remedy available to the~~ ←Ĥ

305 ~~H→ attorney general for violations of Title 76, Chapter 10, Part 31, Utah Antitrust Act.~~
 306 ~~Section 11. Section 26-62-402 is enacted to read:~~
 307 ~~26-62-402. Pharmaceutical manufacturer -- Report required:~~
 308 ~~(1) For each drug that has an annual wholesale acquisition cost of \$10,000 or more, a~~
 309 ~~pharmaceutical manufacturer shall submit a report to the department if a price increase for that~~
 310 ~~drug will result in an increase in the wholesale acquisition cost that is equal to:~~
 311 ~~(a) 7.5% or more over a period of 12 months; or~~
 312 ~~(b) 18% or more over a period of 36 months.~~
 313 ~~(2) The report described in Subsection (1) shall:~~
 314 ~~(a) be submitted to the department no later than 30 days before the day on which the~~
 315 ~~price increase takes effect; and~~
 316 ~~(b) include, for each drug for which a report is required under Subsection (1):~~
 317 ~~(i) the increase in the cost of the drug, expressed as a percentage increase based on the~~
 318 ~~price of the drug before the cost increase;~~
 319 ~~(ii) a justification for each price increase;~~
 320 ~~(iii) the date on which each price increase takes effect;~~
 321 ~~(iv) the total profit derived from sales of the drug, expressed in total dollars and as a~~
 322 ~~percentage of the pharmaceutical manufacturer's total profits for that calendar year;~~
 323 ~~(v) the total expenditures of the pharmaceutical manufacturer on materials and~~
 324 ~~manufacturing for the drug;~~
 325 ~~(vi) the total research and development costs paid by the pharmaceutical manufacturer~~
 326 ~~for the development and production of the drug;~~
 327 ~~(vii) the total administrative, marketing, and advertising costs for the drug; and~~
 328 ~~(viii) costs associated with direct-to-consumer coupons and patient assistance programs~~
 329 ~~for the drug.~~
 330 ~~(3) (a) The department shall publish information submitted to the department under~~
 331 ~~this section:~~
 332 ~~(i) at least once in every three month period; and~~
 333 ~~(ii) in a manner that allows the information to be identified separately for each drug.~~
 334 ~~(b) Notwithstanding Subsection (3)(a), the department may not disclose a trade secret,~~
 335 ~~as defined in Section 13-24-2, under this section. ←H~~

336 ~~Ĥ→ (4) Information submitted to the department under this section is a private record for~~
 337 ~~the purpose of Title 63G, Chapter 2, Government Records Access and Management Act.] ←Ĥ~~

338 Section ~~Ĥ→ [12] 11 ←Ĥ~~ . Section 63I-1-226 is amended to read:

339 **63I-1-226. Repeal dates, Title 26.**

340 (1) Section 26-1-40 is repealed July 1, 2019.

341 (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
 342 1, 2025.

343 (3) Section 26-10-11 is repealed July 1, 2020.

344 (4) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

345 (5) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2019.

346 (6) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2021.

347 ~~[(7) Section 26-38-2.5 is repealed July 1, 2017.]~~

348 ~~[(8) Section 26-38-2.6 is repealed July 1, 2017.]~~

349 ~~[(9)] (7)~~ Title 26, Chapter 56, Hemp Extract Registration Act, is repealed July 1, 2021.

350 (8) Title 26, Chapter 62, Prescription Drug Affordability Act, is repealed July 1, 2028.

351 Section ~~Ĥ→ [13] 12 ←Ĥ~~ . Section 63I-1-276 is amended to read:

352 **63I-1-276. Repeal dates, Title 76.**

353 (1) Subsection 76-10-526(15) is repealed July 1, 2018.

354 (2) Subsection 76-10-3104(3) is repealed July 1, 2028.

355 Section ~~Ĥ→ [14] 13 ←Ĥ~~ . Section 76-10-3104 is amended to read:

356 **76-10-3104. Illegal anticompetitive activities.**

357 (1) Every contract, combination in the form of trust or otherwise, or conspiracy in
 358 restraint of trade or commerce is declared to be illegal.

359 (2) It shall be unlawful for any person to monopolize, or attempt to monopolize, or
 360 combine or conspire with any other person or persons to monopolize, any part of trade or
 361 commerce.

362 (3) For purposes of the importation of prescription drugs under Title 26, Chapter 62,
 363 Prescription Drug Affordability Act, in addition to the activities described in Subsections (1)
 364 and (2), a unilateral act in the form of a trust or otherwise, in restraint of trade or commerce, is
 365 unlawful.