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SENATE BILL 678

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Joseph J. Carraro

AN ACT

**RELATING TO PRESCRIPTION DRUGS; LIMITING PRICES OF DRUGS SOLD
TO CERTAIN NEW MEXICO PROVIDERS.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. PRESCRIPTION DRUGS--PRICE LIMITATIONS. --

A. No person, prescription drug manufacturer or pharmaceutical benefits manager shall sell or provide a prescription drug to any person, pharmacy or wholesale drug distributor in New Mexico at a price that exceeds the price the seller sold that prescription drug to any person, pharmacy or wholesale drug distributor in a foreign country.

B. In any action brought under Subsection A of this section, if the court finds that a person has willfully sold or provided prescription drugs to any person, pharmacy or wholesale drug distributor in New Mexico at a price exceeding

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1 that which the seller sold or provided that prescription drug
2 to any person, pharmacy or wholesale drug distributor in a
3 foreign country, the person injured may recover three times
4 the actual damages sustained, plus the cost of the suit and
5 reasonable attorney fees and the court or jury may award
6 punitive damages.

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