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SENATE BILL 263

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Cisco McSorley

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE  
AND THE LEGISLATIVE HEALTH SUBCOMMITTEE

AN ACT

RELATING TO PRESCRIPTION DRUGS; REQUIRING REPORTING OF CERTAIN  
PRICES TO THE HUMAN SERVICES DEPARTMENT; PROVIDING  
LIMITATIONS; PROVIDING FOR ENFORCEMENT.

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

Section 1. AVERAGE MANUFACTURER PRICE-- FILING--  
REPORTING. --

A. A person who manufactures a prescription drug,  
including a generic prescription drug, that is sold in New  
Mexico shall file with the human services department:

(1) the average manufacturer price for the  
drug; and

(2) the price that each wholesaler in this  
state pays the manufacturer to purchase the drug.

B. The information required under Subsection A of

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1 this section shall be filed annually or more frequently, as  
2 determined by the human services department.

3 C. A person who engages in the wholesale  
4 distribution of prescription drugs in New Mexico shall file  
5 with the human services department information showing the  
6 actual price at which the wholesaler or distributor sells a  
7 particular drug to a retail pharmacy.

8 D. As used in this section, "average manufacturer  
9 price" means the average price paid to the manufacturer for  
10 the drug in New Mexico by wholesalers for drugs distributed to  
11 the retail pharmacy class of trade, after deducting customary  
12 prompt-pay discounts.

13 Section 2. DISCLOSURE--LIMITATIONS.--Disclosure of  
14 information acquired pursuant to Section 1 of this act shall  
15 not identify a specific manufacturer, wholesaler or  
16 distributor by name or the prices charged by a specific  
17 manufacturer, wholesaler or distributor for a specific  
18 prescription drug.

19 Section 3. ENFORCEMENT.--The office of the attorney  
20 general may take action to investigate and enforce the  
21 requirements of Section 1 of this act.