

By: Representative Franks

To: Public Health and Human Services

HOUSE BILL NO. 1168

1 AN ACT TO CREATE THE DRUG RETAIL PRICE DISCLOSURE ACT; TO
2 REQUIRE PHARMACIES TO COMPILE A DRUG RETAIL PRICE LIST THAT
3 CONTAINS THE NAMES OF THE DRUGS ON THE LIST PROVIDED BY THE STATE
4 BOARD OF PHARMACY AND THE PHARMACY'S CORRESPONDING RETAIL PRICES
5 FOR EACH DRUG; TO REQUIRE THE STATE BOARD OF PHARMACY TO MAKE THE
6 LIST AVAILABLE TO EACH PHARMACY; TO REQUIRE PHARMACIES TO NOTIFY
7 PEOPLE OF THE AVAILABILITY OF THE DRUG RETAIL PRICE LIST; TO
8 REQUIRE THE STATE BOARD OF PHARMACY TO PROMULGATE RULES AND
9 REGULATIONS FOR THE IMPLEMENTATION OF THIS ACT; AND FOR RELATED
10 PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** (1) This section shall be known as the "Drug
13 Retail Price Disclosure Act."

14 (2) As used in this section, the following terms shall have
15 the following meanings:

16 (a) "Pharmacy" shall be defined under Section 73-21-73.

17 (b) "Pharmacy's corresponding retail price" means the
18 actual price to be paid by a retail purchaser to the pharmacy for
19 any listed drug at the listed dosage.

20 (3) Every pharmacy shall compile a drug retail price list
21 that contains the names of the drugs on the list provided by the
22 State Board of Pharmacy and the pharmacy's corresponding retail
23 prices for each drug. Every pharmacy shall update its retail
24 prices for each drug on the list on a weekly basis. Every
25 pharmacy shall provide the drug retail list to anyone upon
26 request.

27 (4) (a) The list of the names of drugs provided by the
28 State Board of Pharmacy shall be prepared annually by the board
29 and distributed to each pharmacy in the state. The list shall be
30 a compendium of the thirty (30) most frequently prescribed drugs
31 and their usual dosages for which a prescription is required by

32 the provisions of the Federal Food, Drug and Cosmetic Act, 21 USCS
33 301 et. seq. The State Board of Pharmacy shall make the
34 compendium list available to each pharmacy, at no cost to the
35 pharmacy, in both printed form and in an electronic form so that
36 it may be used to produce the pharmacy's drug retail list.

37 (b) The drug retail price list shall contain a notice
38 that shall read: "Consult your pharmacist for the selection of
39 the most economical drug product available to fill your
40 prescription."

41 (5) (a) Pharmacies shall have a sign notifying people of
42 the availability of the drug retail price list, conspicuously
43 posted at or adjacent to the place in the pharmacy where
44 prescriptions are presented for compounding and dispensing, in the
45 waiting area for customers, or in the area where prescribed drugs
46 are delivered.

47 (b) The sign shall contain the following information:

48 (i) Under the Drug Retail Disclosure Act,
49 pharmacies must provide a list of prices of the most frequently
50 prescribed medications;

51 (ii) Generics must be included on the list, where
52 available; and

53 (iii) Prices for medications may vary between the
54 pharmacies.

55 (6) Nothing contained in this section shall prohibit a
56 pharmacy from changing and charging the current retail price at
57 any time, provided that the listed price is updated weekly to
58 reflect the new retail price.

59 (7) The State Board of Pharmacy shall promulgate rules and
60 regulations necessary to implement this section, including how
61 this section applies to mail-order and Internet pharmacies.

62 **SECTION 2.** This act shall take effect and be in force from
63 and after July 1, 2005.