

West's Vermont Statutes Annotated Currentness
Title Eighteen. Health
Part 5. Foods and Drugs
Chapter 91. Prescription Drug Cost Containment (Refs & Annos)
Subchapter 3. Information Requirements

§ 4633. Pharmaceutical marketer price disclosure

(a) When a pharmaceutical marketer engages in any form of prescription drug marketing directly to a physician or other person authorized to prescribe prescription drugs, the marketer shall disclose to the physician or other prescriber the average wholesale price (AWP) of the drugs being marketed. Disclosure shall include the AWP per pill and the price relationship between the drug being marketed and other drugs within the same therapeutic class.

(b) The disclosures required under this section shall be on a form and in a manner prescribed by the office of the attorney general. The attorney general may adopt rules to implement the provisions of this section.

(c) In addition to any other remedy provided by law, the attorney general after consultation with the commissioner of banking, insurance, securities, and health care administration may file an action in superior court for a violation of this section or of rules adopted under this section. In any such action, the attorney general shall have the same authority to investigate and to obtain remedies as if the action were brought under the consumer fraud act, chapter 63 of Title 9. Each violation of this section or of rules adopted under this section constitutes a separate civil violation for which the attorney general may obtain relief.

(d) As used in this section:

(1) "Average wholesale price" or "AWP" means the wholesale price charged on a specific commodity that is assigned by the pharmaceutical manufacturing company and listed in a nationally recognized drug pricing file.

(2) "Pharmaceutical manufacturing company" shall have the same meaning as "pharmaceutical manufacturer" in section 4631a of this title.

(3) "Pharmaceutical marketer" means a person who, while employed by or under contract to represent a pharmaceutical manufacturing company, engages in marketing, as that term is defined in section 4631a of this title.

CREDIT(S)

2007, No. 80, § 23, eff. July 1, 2007; 2009, No. 59, § 6, eff. July 1, 2009.

Current through First Session of the 2009-2010 Vermont General Assembly (2009) and the 2009 Special Session. See Scope for further information.