

HB0631/247274/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 631
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “drug;” insert “establishing that it is not a violation of a certain provision of this Act for a wholesale distributor to increase a price of an essential off-patent or generic drug under certain circumstances;”; and in the same line, strike “requiring” and substitute “authorizing”.

On page 2, strike beginning with “making” in line 3 down through “statement” in line 5 and substitute “requiring that certain information provided to the Attorney General under this Act”; and in line 5, after “purposes” insert “except under certain circumstances; prohibiting the Attorney General from bringing a certain action under certain circumstances”.

AMENDMENT NO. 2

On page 3, in line 2, strike “AND”; after line 2, insert:

“(III) THAT IS ACTIVELY MANUFACTURED AND MARKETED FOR SALE IN THE UNITED STATES BY THREE OR FEWER MANUFACTURERS; AND”;

in line 3, strike “(III)” and substitute “(IV)”; in line 30, before “A” insert “(A)”; and after line 31, insert:

“(B) IT IS NOT A VIOLATION OF SUBSECTION (A) OF THIS SECTION FOR A WHOLESALE DISTRIBUTOR TO INCREASE THE PRICE OF AN ESSENTIAL OFF-PATENT OR GENERIC DRUG IF THE PRICE INCREASE IS DIRECTLY ATTRIBUTABLE TO ADDITIONAL COSTS FOR THE DRUG IMPOSED ON THE WHOLESALE DISTRIBUTOR BY THE MANUFACTURER OF THE DRUG.”

(Over)

AMENDMENT NO. 3

On page 4, in line 2, strike “SHALL” and substitute “MAY”; strike in their entirety lines 6 through 8, inclusive; and in lines 9 and 17, strike “(2)” and “(3)”, respectively, and substitute “(1)” and “(2)”, respectively.

AMENDMENT NO. 4

On page 5, in line 19, after “ATTORNEY GENERAL” insert “AND SUBJECT TO SUBSECTION (E) OF THIS SECTION”.

On page 6, after line 9, insert:

“(E) THE ATTORNEY GENERAL MAY NOT BRING AN ACTION FOR A REMEDY UNDER SUBSECTION (D)(2) THROUGH (5) OF THIS SECTION UNLESS THE ATTORNEY GENERAL HAS PROVIDED THE MANUFACTURER OR WHOLESALE DISTRIBUTOR AN OPPORTUNITY TO MEET WITH THE ATTORNEY GENERAL TO OFFER A JUSTIFICATION FOR THE INCREASE IN THE PRICE OF THE ESSENTIAL OFF-PATENT OR GENERIC DRUG.”;

and in lines 10 and 17, strike “(E)” and “(F)”, respectively, and substitute “(F)” and “(G)”, respectively.

AMENDMENT NO. 5

On page 6, in line 10, strike “(1)”; in the same line, after “PROVIDED” insert “BY A MANUFACTURER OR A WHOLESALE DISTRIBUTOR”; in line 11, strike “THIS SUBTITLE” and substitute “SUBSECTIONS (B) AND (C) OF THIS SECTION”; strike beginning with “SUBJECT” in line 11 down through “BE” in line 14; and in line 16, after “ARTICLE” insert “UNLESS THE CONFIDENTIALITY OF THE INFORMATION IS WAIVED BY THE MANUFACTURER OR WHOLESALE DISTRIBUTOR”.