
**Health Care & Wellness
Committee**

HB 2664

Brief Description: Prohibiting the sale and use of prescriber-identifiable prescription data for marketing or promotional purposes.

Sponsors: Representatives Pedersen, Cody, Green, Morrell, Seaquist, Conway, Hasegawa, Hudgins, Upthegrove, Chase, Lias, Nelson, Loomis, McIntire, Barlow, Schual-Berke and VanDeWege.

Brief Summary of Bill

- Prohibits the sale or use of prescribers's identifiable prescription data for markets or promotional purposes.

Hearing Date: 1/21/08

Staff: Dave Knutson (786-7146).

Background:

Health care information companies purchase electronic records of prescriptions from pharmacies and other sources and link them with information about doctors that is licensed from the Physician Masterfile of the American Medical Association (AMA). The Physician Masterfile contains information on virtually every physician in the United States, including physicians who do not belong to the AMA. This information can then be sold to pharmaceutical companies who may use it to target individual physicians using their personal prescribing patterns. In 2005 the AMA received \$44.5 million from sales of physician prescription information from the Masterfile. The AMA recently began a prescribing data restriction program which allows physicians to prevent their own prescribing data from being released to pharmaceutical companies through an opt-out process.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Pharmaceutical marketers are prohibited from purchasing, licensing, transferring, using , or selling regulated records that include prescriber identifiable information to market or promote a prescription drug. A pharmaceutical marketer that violates this prohibition is subject to a fine of up to \$50,000 per violation. A violation of this prohibition is also considered an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the Consumer Protection Act, Chapter 19.86 RCW. Records held by an agency administering a state purchased health care program that contain prescription information containing prescriber-identifiable data that can identify a prescriber, are exempt from disclosure under the Public Records Act, Chapter 42.56 RCW.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.