
**Health Care & Wellness
Committee**

SSB 6241

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

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Pflug, Kohl-Welles, Kline and Franklin).

Brief Summary of Substitute Bill

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

Hearing Date: 2/25/08

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 are 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 Physician Masterfile. The AMA recently began a prescribing data restriction program which allows physicians to prevent their prescribing data from being released to pharmaceutical companies through an opt-out process.

Summary of Bill:

No person shall knowingly sell, disclose, or use regulated records that include prescriber identifiable information to market or promote a prescription drug. A pharmaceutical marketer

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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. 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.

Appropriation: None.

Fiscal Note: Available for SB 6241 and SSB 6241.

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