

February 13, 2007

S 159. PRESC. DRUG DATA CONFIDENTIAL. Filed 2/13/07. *PROHIBITING THE LICENSE, TRANSFER, USE, OR SALE OF PHARMACY PRESCRIPTION INFORMATION FOR COMMERCIAL PURPOSES.* Enacts new GS 90-85.42, prohibiting pharmacy benefits managers, insurance companies, electronic transmission intermediaries, pharmacies, and similar entities from licensing, transferring, using or selling patient- or provider-identifiable data for any commercial purpose, including advertising, marketing, or activities that could influence sales or prescribing behavior. Makes exceptions for the following purposes: pharmacy reimbursement, formulary compliance, care management, utilization review by a health care provider, [provision of information to] the patient's insurance provider or the agent of the patient or the patient's provider, health care research, or other purposes provided for by law. Clarifies that the section does not prohibit ordinary practices such as dispensing medications to patients or their representatives, transmitting prescription information from prescriber's to pharmacies or between pharmacies, or the transfer of records when pharmacies are sold. Provides that a violation of the section is an unfair or deceptive trade practice under GS Chapter 75.

Intro. by Forrester.

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