

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 159

Short Title: Presc. Drug Data Confidential.

(Public)

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Sponsors: Senators Forrester; Brunstetter, Goodall, and Snow.

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Referred to: Commerce, Small Business and Entrepreneurship.

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February 14, 2007

1                                   A BILL TO BE ENTITLED  
2 AN ACT PROHIBITING THE LICENSE, TRANSFER, USE, OR SALE OF  
3 PHARMACY PRESCRIPTION INFORMATION FOR COMMERCIAL  
4 PURPOSES.

5 The General Assembly of North Carolina enacts:

6           **SECTION 1.** Article 4A of Chapter 90 of the General Statutes is amended  
7 by adding the following new section to read:

8 **"§ 90-85.42. License, transfer, use, or sale of pharmacy prescription data for**  
9 **commercial purposes prohibited.**

10       (a) Records relative to prescription information containing patient-identifiable  
11 and prescriber-identifiable data shall not be licensed, transferred, used, or sold by any  
12 pharmacy benefits manager, insurance company, electronic transmission intermediary,  
13 retail, mail order, or Internet pharmacy or other similar entity, for any commercial  
14 purpose, except for the limited purposes of pharmacy reimbursement; formulary  
15 compliance; care management; utilization review by a health care provider; the patient's  
16 insurance provider or the agent of the patient or patient's provider; health care research,  
17 or as otherwise provided by law.

18       (b) As used in this section, "commercial purpose" includes advertising,  
19 marketing, promotion, or any activity that could be used to influence sales or market  
20 share of a pharmaceutical product, influence or evaluate the prescribing behavior of an  
21 individual health care professional, or evaluate the effectiveness of a professional  
22 pharmaceutical detailing sales force.

23       (c) Nothing in this section shall prohibit the dispensing of prescription  
24 medications to a patient or other patient's authorized representative; the transmission of  
25 prescription information between an authorized prescriber and a licensed pharmacy; the  
26 transfer of prescription information between licensed pharmacies; the transfer of  
27 prescription records that may occur in the event a pharmacy ownership is changed or  
28 transferred; care management educational communications provided to a patient about

1 the patient's health condition; adherence to a prescribed course of therapy or other  
2 information about the drug being dispensed; treatment options; or clinical trials.

3 (d) Nothing in this section shall be construed to prohibit the collection, use,  
4 transfer, or sale of patient and prescriber de-identified data by zip code, geographic  
5 region, or medical specialty for commercial purposes.

6 (e) In addition to other remedies available under this Chapter, a violation of this  
7 section is an unfair or deceptive trade practice under Chapter 75 of the General  
8 Statutes."

9 **SECTION 2.** This act is effective when it becomes law.