

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 20, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB553 by Lucio (Relating to the disclosure of certain economic benefits provided by manufacturers or repackagers of prescription drugs; providing penalties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would add a new Subchapter O to the Health and Safety Code. The bill would require pharmaceutical marketers or re-packagers to issue an annual report to the Department of State Health Services (DSHS) disclosing any gift, fee, payment, subsidy, or other economic benefit received by a person authorized by law to dispense or prescribe prescription drugs. The bill would establish certain disclosure exemptions to this reporting requirement. DSHS would be required to adopt rules to implement the provisions of the bill.

The bill would establish an administrative penalty. The bill would authorize the Attorney General to impose a civil penalty of not more than \$10,000 for the failure to file a report.

Based on the analysis of the Office of the Attorney General and the Department of State Health Services, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. The Comptroller of Public Accounts indicates that revenue impact from the collections of administrative or civil penalties for violations of the bill's provisions cannot be determined. The State Board of Pharmacy indicates there would be no cost to the agency.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 515 Board of Pharmacy, 537 State Health Services, Department of

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