

January 9, 2020

**SENATE BILL NO. 2389**  
**(First Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2389 (First Reprint) with my recommendations for reconsideration.

This bill requires the New Jersey State Board of Pharmacy (the "board") to establish a prescription drug pricing disclosure website for utilization by New Jersey practitioners who are currently licensed, registered, or otherwise authorized in the State to administer or prescribe drugs in the course of professional practice. To facilitate this information sharing, the bill further requires certain pharmaceutical manufacturing companies to provide prescription drug price information to the board.

I share the sponsors' desire to increase the transparency of prescription drug pricing. However, the website contemplated in this bill is more appropriately developed and maintained by the Division of Consumer Affairs (the "Division"). Since 2006, the Division has been responsible for providing consumers retail price information for the most frequently prescribed medications in the State through the New Jersey Prescription Drug Retail Price Registry, N.J.S. 45:14-81 et seq. Because the requirements of this bill dovetail with the Division's current disclosure responsibilities related to prescription drug costs, I am recommending revisions to require the Division, rather than the board, to establish and maintain the prescription drug pricing disclosure website.

Additionally, I believe the bill could be improved by setting forth a clear time frame in which to establish the disclosure website. Specifically, my recommended revisions require the Division to establish the disclosure website no later than six months after the Division has received grant funds in an amount sufficient to develop and maintain the website.

Accordingly, I herewith return Senate Bill No. 2389 (First Reprint) and recommend that it be amended as follows:

- Page 2, Title, Lines 2-3: Delete "P.L.2003, c.280 (C.45:14-40 et seq.)" and insert "P.L.2006, c.84 (C.45:14-81 et seq.)"
- Page 2, Section 1, Line 8: Delete "The New Jersey State Board of Pharmacy" and insert "As provided in subsection c. of this section, the Division of Consumer Affairs in the Department of Law and Public Safety"
- Page 2, Section 1, Line 12: Delete "board's" and insert "division's"
- Page 2, Section 1, Line 19: Delete "board" and insert "division"
- Page 2, Section 1, Line 22: Delete "board" and insert "New Jersey State Board of Pharmacy"
- Page 2, Section 1, Line 24: Delete "board" and insert "division"
- Page 2, Section 1, Line 26: Delete "board" and insert "division"
- Page 2, Section 1, Line 28: Delete "board" and insert "division"
- Page 2, Section 1, Line 30: Delete "board's" and insert "division's"
- Page 2, Section 1, Line 30: After "section." insert "The division shall establish the disclosure website no later than six months after it receives grant funds in an amount sufficient to develop and operate the website as provided in this subsection."
- Page 2, Section 2, Lines 38-39: Delete "by the New Jersey State of Board of Pharmacy"
- Page 2, Section 2, Line 45: Delete "New Jersey"
- Page 3, Section 2, Line 1: Delete "State Board of Pharmacy" and insert "Division of Consumer Affairs in the Department of Law and Public Safety"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor