

Sec. 50. NEW SECTION. 155C.6 DEPARTMENTAL REPORTS.

64 10 The department shall provide an annual report to the  
64 11 governor and the general assembly on or before January 15,  
64 12 containing an analysis of the data submitted to the department  
64 13 under section 155C.4 and 155C.5. The report shall include all  
64 14 of the following:

64 15 1. Information on gifts required to be disclosed under  
64 16 section 155C.4, which shall be presented in aggregate form and  
64 17 by selected types of health care practitioners or individual  
64 18 health care practitioners, as prioritized each year by the  
64 19 department and analyzed to determine whether prescribing  
64 20 patterns by these health care practitioners reimbursed by the  
64 21 state health care programs may reflect manufacturer's or  
64 22 wholesaler's influence.

64 23 2. Information on all marketing activities, whether direct  
64 24 or indirect, including the scope of prescription drug,  
64 25 biologics, and medical device marketing activities and  
64 26 expenses and their effect on the cost, utilization, and  
64 27 delivery of health care services and any recommendations with  
64 28 regard to marketing activities of prescription drug,  
64 29 biologics, and medical device manufacturers or wholesalers.

64 30 3. Information on violations and enforcement actions  
64 31 brought pursuant to this chapter.

64 32 Sec. 51. NEW SECTION. 155C.7 PUBLIC RECORDS.

64 33 1. The information required to be submitted pursuant to  
64 34 sections 155C.4 and 155C.5, and the data and reports compiled  
64 35 by the department pursuant to section 155C.6, are public  
65 1 records.

65 2 2. Notwithstanding any other provision of law to the  
65 3 contrary, the identity of health care practitioners and other  
65 4 recipients of gifts, payments, and materials required to be  
65 5 reported in this section do not constitute confidential  
65 6 information or trade secrets.

65 7 Sec. 52. NEW SECTION. 155C.8 ENFORCEMENT == RULES.

65 8 1. The department may bring an action for injunctive  
65 9 relief, costs, and attorneys fees, and to impose a civil  
65 10 penalty of no more than ten thousand dollars per violation on  
65 11 a manufacturer or wholesaler that fails to comply with any  
65 12 provision of this chapter.

65 13 2. The department shall adopt rules as necessary to  
65 14 administer this chapter.