

§ 90-85.61. Required notifications and disclosures.

(a) Price Increases. – By January 31 of each year, a manufacturer shall notify all interested parties of each increase in price of fifteen percent (15%) or greater that occurred in the prior calendar year for a prescription drug with a price of one hundred dollars (\$100.00) or more for a 30-day supply. The manufacturer shall disclose all of the following to interested parties for each drug price increase noticed for the prior calendar year under this subsection:

- (1) The date and price of acquisition of the drug, if it was not developed by the manufacturer.
- (2) A schedule of price increases for the drug for the five years prior to the calendar year for which the drug price increase was required to be noticed under this subsection.

(b) New Products. – A manufacturer shall notify all interested parties of the price of any new prescription drug within three days after it is made available for purchase in this State. Within 30 days after the notification required by this subsection, the manufacturer shall disclose to interested parties the date and price of acquisition of the drug if it was not developed by the manufacturer.

(c) Satisfaction of Obligations. – A manufacturer's obligations under this section shall be fully satisfied by the submission of information and data that a manufacturer includes in its annual consolidated report on Securities and Exchange Commission Form 10-K or any other public disclosure.

(d) Information is Not Public Record. – Information provided to the Secretary or an interested party pursuant to this section shall, except to the extent it is already in the public domain, be considered trade secret under Article 24 of Chapter 66 of the General Statutes, confidential, exempt from public inspection and copying under Chapter 132 of the General Statutes, and shall not be disclosed directly or indirectly. The Secretary, interested parties, and their agents shall not publish or otherwise disclose any information that would allow for the identification of an individual drug, therapeutic class of drugs, or manufacturer, that would reveal the prices of any drug or therapeutic class of drugs, or that has the potential to compromise the financial, competitive, or proprietary nature of any information submitted by the manufacturer pursuant to this section. The Secretary and interested parties shall impose the confidentiality protections of this section on any downstream third party that may receive or otherwise have access to this information. (2025-69, s. 8(a).)