



ORDER 2021-015

ORDERING ALL AUTHORIZED PHARMACIES TO SUBMIT INFORMATION ON MEDICINE PRICES, ACCORDING TO THE PROVISION OF STATUTE NO. 7 – 2019

Statute No. 7 - 2019, known as the “Prescription Drug Price Transparency Law”, delegated onto the Department of Consumer Affairs (DACO), the task of collecting, on a monthly basis, the retail price of the three hundred (300) most frequently prescribed medications. The collected information is to be published on an Internet portal, so that consumers can know the prices charged by the different pharmacies, for each of the 300 drugs. The aforementioned Statute expressly states that the Secretary may “require every pharmacy authorized to operate in Puerto Rico to inform, electronically on a monthly basis, the retail price that will be charged that month of the three hundred (300) most frequently prescribed brand-name drugs, including generic ones that serve as equivalents, in the format that it requires”.

In accordance with Statute No. 7 - 2019, in March 2021, the Inter-Agency Committee created by virtue of its provisions certified the list of the 300 most frequently prescribed drugs in Puerto Rico. With this list, DACO and the Puerto Rico Innovation and Technology Service (PRITS) worked on the platform through which consumers will be able to access the price list, by pharmacy, for a 30-day dose per prescription drug. After rigorous tests, the system is enabled and ready for pharmacies to enter price information, as mandated by Statute No. 7 - 2019.

It should be noted that the purpose of Statute No. 7 - 2019, as expressly stated in its Explanatory Memorandum, is to help consumers obtain the lowest prices for their prescription drugs at the pharmacy. In other words, "under no circumstances should it be understood that their purpose, in whole or in part, is to control pharmacies or regulate the price they charge for prescription drugs". The purpose of the DACO by means of this Order is to comply with the legislative mandate, as well as the objective behind it as mentioned herein.

In accordance with the foregoing, and under the powers delegated to DACO by its Organic Law, as well as those expressly provided in Statute No. 7 - 2019, the Secretary issues the following:

Order

Section 1: Disclosure of Information:

Between the 1st - 5th of each month, every pharmacy authorized to operate in Puerto Rico must disclose the retail price for each of the 300 prescription drugs that are part of the list certified by the Interagency Committee.

The obligation established in subsection 1 of this Section begins as of August 2021.

The price that pharmacies must disclose is the nominal price of the drug in the market when it is not covered by any medical plan; that is, the price to be paid by the patient who does not have insurance or medical coverage.

The disclosure of price information will be done electronically, directly through the platform created for such purposes; this is: preciosdemedicamentos.pr.gov.

Section 2: Technological assistance

Any pharmacy that, when trying to enter the information required by Section 1 of this Order, faces any setback in it, may contact the email ley7medicamentos@daco.pr.gov

Section 3: Reconsideration

Any person who considers to be adversely affected by this Order, may request its reconsideration under the provisions of Act No. 38 - 2017, known as the “Uniform Administrative Procedure Act of the Government of Puerto Rico”.

Section 4: Validity

This Order will enter into force at the time of its signature, and its provisions will be in effect until expressly provided otherwise.

On San Juan, Puerto Rico, July 16, 2021

Lcdo. Edan Rivera Rodríguez
Secretary