

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

H. of S.

L.D. 1022

DATE: 5-18-01

(Filing No. H-517)

MAJORITY
HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 778, L.D. 1022, Bill, "An Act to Require Full Disclosure of Prescription Drug Marketing Costs"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §2699 is enacted to read:

§2699. Marketing costs

A manufacturer or labeler of prescription drugs dispensed in this State that employs, directs or utilizes marketing representatives in this State shall report the costs of marketing prescription drugs in this State as provided in this section. For the purposes of this section, "manufacturer" and "labeler" have the same meanings as provided in section 2697, subsection 1.

1. Purposes. The costs of marketing prescription drugs in this State must be reported to the department for the purposes of assisting the department in its role as a purchaser of prescription drugs and an administrator of prescription drug programs, enabling this State to determine the scope of prescription drug marketing and furthering the role of this State as guardian of the public interest.

2. Manner of reporting. A manufacturer or labeler of prescription drugs required to report under this section shall file an annual report with the department in the form and manner provided by the department in rules adopted pursuant to this section. The report must be accompanied by payment of a fee, as

COMMITTEE AMENDMENT

2 set by the department in rule, to support the work of the
department under this section.

4 3. Content of annual report. The annual report must
include the following information as it pertains to marketing
6 activities conducted within this State:

8 A. All costs associated with marketing, advertising and
direct promotion of prescription drugs through radio,
10 television, magazines, newspapers, direct mail and telephone
communications; and

12 B. All costs associated with educational programs,
seminars, entertainment, trips, remuneration for promoting
14 or participating in informational sessions regarding
prescription drugs, product samples of prescription drugs in
16 excess of \$10 in value and promotional gifts in excess of
18 \$10 in value.

20 4. Public information. Except as protected from disclosure
by law, rule or regulation, the content of the annual reports
22 filed under this section is public information and all
information held by the department under this section is a public
24 record within the meaning of Title 1, chapter 13.

26 5. Report to Legislature. By October 31st each year, the
department shall provide an annual report on prescription drug
28 marketing activities and the costs of those activities to the
Legislature.

30 6. Rulemaking. The department shall adopt rules to
32 implement this section. Rules adopted pursuant to this section
are routine technical rules as defined by Title 5, chapter 375,
34 subchapter II-A.

36 **Sec. 2. Allocation.** The following funds are allocated from
38 Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
HUMAN SERVICES, DEPARTMENT OF		
Maine Rx Program		
All Other	\$500	\$500
Provides funds to support the		
costs of compiling the		
information submitted by		
prescription drug		

COMMITTEE AMENDMENT " " to H.P. 778, L.D. 1022

2 manufacturers and labelers on
the costs of marketing
4 prescription drugs in the
State.

6 **DEPARTMENT OF HUMAN SERVICES**
7 **TOTAL** \$500 \$500'

8 Further amend the bill by inserting at the end before the
10 summary the following:

12 **FISCAL NOTE**

14 **2001-02** **2002-03**

16 **APPROPRIATIONS/ALLOCATIONS**

18 Other Funds \$500 \$500

20 **REVENUES**

22 Other Funds \$500 \$500

24 The Bureau of Medical Services within the Department of
Human Services will incur some minor additional costs to adopt
26 rules associated with collecting information, on an annual basis,
on the activities and costs of prescription drug marketing,
28 advertising and promotion from prescription drug manufacturers
and labelers and to establish, by rule, a fee to support the work
30 of the department in compiling this information.

32 This bill includes Other Special Revenue fund allocations of
\$500 and \$500 in fiscal years 2001-02 and 2002-03, respectively,
34 for the Maine Rx Program within the Department of Human Services
to establish a dedicated fund for the fees received from the
36 prescription drug manufacturers and labelers to support the costs
associated with the department's compiling the information.'

40 **SUMMARY**

42 This amendment is the majority report of the committee. The
amendment replaces the bill. It provides for annual reports of
44 the activities and costs of prescription drug marketing,
advertising and promotion by prescription drug manufacturers and
46 labelers. It adds a statement of purposes for the collection of
drug marketing cost information. The reports must be filed with
48 the Department of Human Services and a fee paid to support the
work required by the department with regard to the marketing
50 information. It designates all information not protected by law,

R. of S.

COMMITTEE AMENDMENT " " to H.P. 778, L.D. 1022

2 rule or regulation as public information. It requires an annual report to the Legislature by October 31st each year. It also adds an allocation section and a fiscal note to the bill.

COMMITTEE AMENDMENT