

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)



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 225

S.P. 78

In Senate, January 18, 2005

An Act To Regulate Pharmaceutical Detailers

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MAYO of Sagadahoc.
Cosponsored by Representative PINGREE of North Haven and
Senators: BRENNAN of Cumberland, ROSEN of Hancock, Representatives: GROSE of
Woolwich, LEWIN of Eliot, WALCOTT of Lewiston, WEBSTER of Freeport.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 32 MRSA §13702, sub-§17-A** is enacted to read:

6 17-A. Pharmaceutical detailer. "Pharmaceutical detailer"
8 means a person who acts in an educational role on behalf of a
10 manufacturer or labeler regarding the pharmaceutical drugs,
12 supplies or other products of that manufacturer or labeler.
14 "Pharmaceutical detailer" does not include a lobbyist for a
16 manufacturer or labeler registered pursuant to Title 3, section
18 313.

20 **Sec. 2. 32 MRSA §13721, sub-§1, ¶G.** as enacted by PL 1987, c.
22 710, §5, is amended to read:

24 G. The rules of the training, qualification and employment
26 of pharmacy interns and pharmacy students; and

28 **Sec. 3. 32 MRSA §13721, sub-§1, ¶H.** as amended by PL 1997, c.
30 245, §7, is further amended to read:

32 H. The registration of pharmacy technicians and adoption of
34 rules governing the training, qualification and employment
36 of pharmacy technicians; and

38 **Sec. 4. 32 MRSA §13721, sub-§1, ¶I** is enacted to read:

40 I. The registration of pharmaceutical detailers and
42 adoption of rules governing the registration, qualification
44 and continuing education of pharmaceutical detailers. Rules
46 adopted pursuant to this section are routine technical rules
48 as defined in Title 5, chapter 375, subchapter 2-A.

50 **Sec. 5. 32 MRSA §13723, sub-§5, ¶H.** as amended by PL 1997, c.
2 245, §9, is further amended to read:

4 H. The certification of an approved provider of continuing
6 education courses, which fee may not exceed \$100 per year,
8 provided that a provider approved by the American Council of
10 Pharmaceutical Education is exempt from the fee established
12 in this paragraph; and

14 **Sec. 6. 32 MRSA §13723, sub-§5, ¶I.** as enacted by PL 1997, c.
16 245, §10, is amended to read:

18 I. The issuance of a certificate of registration for a
20 pharmacy technician, which fee may not exceed \$25; and

22 **Sec. 7. 32 MRSA §13723, sub-§5, ¶J** is enacted to read:

2 J. The issuance of an original or renewal certificate of
3 registration for a pharmaceutical detailer, which fee may
4 not exceed \$50.

6 **Sec. 8. 32 MRSA c. 117, sub-c. 13** is enacted to read:

8 **SUBCHAPTER 13**

10 **REGISTRATION OF PHARMACEUTICAL DETAILERS**

12 **§13831. Registration**

14 **1. Registration required.** A pharmaceutical detailer shall
15 register with the board beginning October 1, 2005 and annually
16 thereafter in accordance with rules adopted by the board.

18 **2. Conditions of registration.** The board shall establish by
19 rule the criteria that a person must meet to qualify for
20 registration as a pharmaceutical detailer. At a minimum, the
21 board shall require that a person seeking such registration
22 present satisfactory evidence that:

24 A. The person is a graduate of a recognized institution of
25 higher education with at least a bachelor's degree in
26 pharmacy or a chemical, physical or biological science,
27 except that a person who has engaged in activities as a
28 pharmaceutical detailer prior to October 1, 2005 is exempt
29 from the requirements of this paragraph;

30 B. The person is currently employed by a pharmaceutical
31 manufacturer or labeler; and

32 C. The person has completed at least 10 hours of continuing
33 professional education in an accredited program or a program
34 approved under section 13832, subsection 3 during the
35 previous calendar year.

38 **§13832. Application**

40 **1. Procedures.** The board shall specify by rule the
41 registration procedures to be followed, including, but not
42 limited to, specification of forms for use in applying for
43 certificates of registration and the times, places and fees for
44 filing an application, as long as the annual fee for an original
45 or renewal certificate does not exceed \$50.

46 **2. Transferability.** A certificate of registration issued by
47 the board is not transferable or assignable.

2 3. Professional continuing education. The board may approve,
3 as continuing education, activities such as lectures, seminars,
4 workshops, formal classes, in-service programs and correspondence
5 courses.

6 **§13833. Violations and penalties**

8 1. Violations. After October 1, 2005, a person may not act
9 as a pharmaceutical detailer until a certificate of registration
10 has been issued by the board. Upon the finding of a violation
11 under this subsection, the board may impose one or more of the
12 penalties enumerated in sections 13731 and 13743 in accordance
13 with the provisions of those sections.

14 2. Reinstatement. Reinstatement of a certificate of
15 registration that has been suspended, revoked or restricted by
16 the board may be granted in accordance with the procedures
17 specified in section 13743, subsection 2.

20 **SUMMARY**

22 This bill requires the annual registration of pharmaceutical
23 detailers with the Maine Board of Pharmacy beginning October 1,
24 2005. A pharmaceutical detailer is a person who acts in an
25 educational role on behalf of a pharmaceutical manufacturer or
26 labeler regarding its drugs, supplies and other products, but a
27 pharmaceutical detailer is not registered as a lobbyist for a
28 pharmaceutical manufacturer or labeler. The bill imposes a
29 registration fee not to exceed \$50. The bill also authorizes the
30 board to adopt rules regarding the registration of pharmaceutical
31 detailers.
32