

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 364

H.P. 294

House of Representatives, January 25, 2007

### An Act To Stop Misleading Drug Advertisements

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Reference to the Committee on Health and Human Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CAMPBELL of Newfield.  
Cosponsored by Senator RAYE of Washington and  
Representatives: FINLEY of Skowhegan, LEWIN of Eliot, MOORE of Standish, PERRY of  
Calais, SAVIELLO of Wilton, TREAT of Farmingdale, WALCOTT of Lewiston, Senator:  
MARRACHÉ of Kennebec.

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

2 **Sec. 1. 22 MRSA §2700-A, sub-§2,** as enacted by PL 2005, c. 392, §1, is  
3 amended to read:

4 **2. Regulated advertisement requirement.** Beginning October 15, 2005, a  
5 manufacturer may not present or cause to be presented in the State a regulated  
6 advertisement, unless that advertisement meets the requirements concerning misbranded  
7 drugs and devices and prescription drug advertising of federal law and regulations under  
8 21 United States Code, Sections 331 and 352(n) and 21 Code of Federal Regulations, Part  
9 202 (2004) and state rules. A manufacturer may not present or cause to be presented in  
10 the State a regulated advertisement that includes false or misleading information, as  
11 prohibited under 21 Code of Federal Regulations, Part 202 (2004), or contains language  
12 recommending that viewers, listeners or readers ask physicians about any specific  
13 prescription drug.

14 **SUMMARY**

15 This bill prohibits the use of false or misleading prescription drug advertisements in  
16 the State by prescription drug manufacturers and also prohibits the use of language  
17 recommending the public to ask physicians about the use of any prescription drug.