

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 163

H.P. 142

House of Representatives, January 20, 2009

**An Act To Require Health Care Practitioners To Distribute Free
Samples of Medications in Certain Circumstances**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BEAUDOIN of Biddeford.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: BOLAND of Sanford, HOGAN of Old Orchard Beach, JONES of Mount
Vernon, LAJOIE of Lewiston, LEGG of Kennebunk, MORRISON of South Portland,
WATSON of Bath, WRIGHT of Berwick.

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

2 **Sec. 1. 22 MRSA §1723** is enacted to read:

3 **§1723. Distribution of free samples of medications**

4 A health care practitioner, as defined in section 1711-C, subsection 1, paragraph F,
5 who is authorized to prescribe medications shall provide free samples of a medication to a
6 patient prior to submitting a prescription to a pharmacy for the same medication in order
7 to test the reaction of the patient to the medication and the effectiveness of the medication
8 in the treatment of the disease or condition of the patient if:

9 **1. Availability.** The health care practitioner has available free samples of the
10 medication in the correct dosage for the patient;

11 **2. Appropriateness.** The health care practitioner determines that providing free
12 samples of the medication to the patient is appropriate for the patient; and

13 **3. Timeliness.** The health care practitioner determines that providing free samples
14 of the medication will not delay necessary treatment.

15 **SUMMARY**

16 This bill requires health care practitioners to distribute free samples of medications to
17 patients in order to test the reaction of the patient to the medication and the effectiveness
18 of the medication in the treatment of the disease or condition. The requirement to
19 distribute free samples depends on availability, appropriateness and timeliness.