

# MAINE STATE LEGISLATURE

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L.D. 911

Date: 6-12-17

(Filing No. H-481)

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 639, L.D. 911, Bill, "An Act To Prohibit Certain Gifts to Health Care Practitioners"

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

**Sec. 1. 32 MRSA §13759** is enacted to read:

**§13759. Gifts to practitioners prohibited**

**1. Prohibition.** Except as provided in subsection 2, a manufacturer or wholesaler licensed under section 13758 or an agent of a manufacturer or wholesaler licensed under section 13758 may not offer or give the following to a practitioner:

- A. A cash gift in any amount; or
- B. A gift for which reciprocity is expected or implied.

**2. Exceptions.** A manufacturer or wholesaler licensed under section 13758 does not violate subsection 1 by engaging in the following activities:

- A. Giving noncash items of minimal value that will directly benefit the practitioner's patients, including:
  - (1) Prescription drug samples for distribution to patients;
  - (2) Educational materials; and
  - (3) Modest meals and refreshments, as defined by the board by rule pursuant to section 13720, provided to a practitioner in connection with a meeting or presentation about the benefits, risks and appropriate uses of prescription drugs or medical devices, disease states or other scientific information, as long as the meeting or presentation occurs in a venue and manner conducive to informational communication;

B. Giving funding to academic institutions and residency and fellowship programs to support the participation of medical, nursing, physician assistant, veterinarian and

**COMMITTEE AMENDMENT**

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COMMITTEE AMENDMENT "A" to H.P. 639, L.D. 911

1           pharmacy students, residents and fellows in professional meetings, including  
 2           educational meetings, as long as the program identifies such funding recipients based  
 3           on independent institutional criteria and the funds are distributed to recipients without  
 4           specific attribution to sponsors; or

5           C. Giving reasonable honoraria to a practitioner and making payment of the  
 6           reasonable expenses, as defined by the board by rule pursuant to section 13720, of a  
 7           practitioner at a professional or educational conference or meeting.

8           Rules adopted pursuant to this subsection are major substantive rules as defined in Title  
 9           5, chapter 375, subchapter 2-A.'

**SUMMARY**

11           This amendment, which is the unanimous report of the committee, strikes and  
12           replaces the bill. The amendment generally prohibits a licensed manufacturer or  
13           wholesaler of prescription drugs, or an agent of a licensed manufacturer or wholesaler of  
14           prescription drugs, from giving or offering to give gifts to an individual who is licensed,  
15           registered or otherwise authorized to prescribe and administer drugs in the course of  
16           professional practice. The amendment contains 3 exceptions to this prohibition, allowing  
17           a licensed manufacturer or wholesaler of prescription drugs to give:

- 18           1. Noncash gifts of minimal value that will directly benefit the prescriber's patients;
- 19           2. Funding to support the participation of health care students, residents and fellows  
 20           in professional and educational meetings; and
- 21           3. Reasonable honoraria and payment for reasonable expenses of a practitioner at a  
 22           professional or educational conference or meeting.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**



# 128th MAINE LEGISLATURE

LD 911

LR 1395(02)

An Act To Prohibit Certain Gifts to Health Care Practitioners

Fiscal Note for Bill as Amended by Committee Amendment *A(CH-481)*  
Committee: Labor, Commerce, Research and Economic Development

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Additional costs to the Maine Board of Pharmacy within the Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation, associated with the rulemaking process can be absorbed within existing budgeted resources.