

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1271

S.P. 508

In Senate, March 21, 2023

**An Act to Require a Disclaimer on Promotional Materials for
Medicare, Medicaid and MaineCare Products by Private Entities**

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.
Cosponsored by Representative MADIGAN of Waterville and
Senators: BALDACCI of Penobscot, INGWERSEN of York, Representative: MEYER of
Eliot.

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

2 **Sec. 1. 22 MRSA §3197** is enacted to read:

3 **§3197. Disclaimer on private promotional materials**

4 **1. Disclaimer.** An advertisement, solicitation, informational brochure, mailer or other
5 promotional material by a private person or entity using the terms "Medicare," "Medicaid"
6 or "MaineCare" must contain:

7 A. A disclaimer printed on the top and bottom and both front and back of the material
8 in type size no smaller than the largest type size on the material stating "This is an
9 advertisement and solicitation";

10 B. Contain in a type size no smaller than the second largest type size on the material
11 stating "[Name of person or entity sponsoring the promotional material] is a private
12 company that is not Medicare, Medicaid or MaineCare or any other governmental
13 agency"; and

14 C. Contain in a type size no smaller than the second largest type size on the material
15 any other disclaimer on the material.

16 The type color of a disclaimer under this section may not be in grayscale or other faded
17 tone, and the font may not mimic or be similar to a font used by the United States Internal
18 Revenue Service.

19 **SUMMARY**

20 This bill requires, on promotional material by private entities using the terms
21 "Medicare," "Medicaid" or "MaineCare," prominent disclaimers stating the promotional
22 material is an advertisement or solicitation by a private company that is not Medicare,
23 Medicaid or MaineCare or any other governmental agency, and that these disclaimers and
24 any other disclaimer on the material be in a large type size and distinctive type color.