

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

rate and apart from records relating to any other transaction in which the licensee engages.

D. The bureau, upon application by the holder of a small distillery off-premises license whose distillery has produced distilled spirits in an amount that exceeds 50,000 gallons in one year, may renew that holder's small distillery off-premises license for only one additional year.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 14, 2005.

CHAPTER 391

H.P. 975 - L.D. 1411

An Act Regarding the Reporting of Hospital and Ambulatory Surgical Center Prices

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

Sec. 1. 22 MRSA §1718, as corrected by RR 2003, c. 1, §16, is amended by adding at the end a new paragraph to read:

The Maine Health Data Organization, established in chapter 1683, shall adopt rules to establish criteria for the services and procedures and to standardize the manner of listing prices by hospitals and ambulatory surgical centers under this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §8712, sub-§2, as enacted by PL 2003, c. 469, Pt. C, §29, is amended to read:

2. Average payments. At a minimum, the organization, with advice from the Maine Health Data Processing Center as authorized in Title 10, section 681, shall develop and produce annual reports on ~~prices charged~~ average private-payer payments for ~~the 15 most common~~ services provided by health care facilities and health care practitioners, excluding emergency services. For health care facilities, the reports must include, but are not limited to, the average ~~price charged~~ private-payer payments per service per facility and total number of services per facility.

See title page for effective date.

CHAPTER 392

H.P. 1141 - L.D. 1618

An Act Regarding Advertising by Drug Manufacturers and Disclosure of Clinical Trials

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

Sec. 1. 22 MRSA c. 605 is enacted to read:

CHAPTER 605

PRESCRIPTION DRUG ADVERTISING

§2700-A. Prohibitions and required disclosures

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Clinical trial" means a clinical investigation as defined by the federal Food and Drug Administration that involves any trial to test the safety or efficacy of a drug or biological product with one or more human subjects and that is intended to be submitted to, or held for inspection by, the federal Food and Drug Administration as part of an application for a research or marketing permit.

B. "Manufacturer of prescription drugs" or "manufacturer" means a manufacturer of prescription drugs or biological products or an affiliate of the manufacturer or a labeler that receives prescription drugs or biological products from a manufacturer or wholesaler and repackages those drugs or biological products for later retail sale and that has a labeler code from the federal Food and Drug Administration under 21 Code of Federal Regulations, 2027.20 (1999).

C. "Regulated advertisement" means the presentation to the general public of a commercial message regarding a prescription drug or biological product by a manufacturer of prescription drugs that is:

- (1) Broadcast on television or radio from a station that is physically located in the State;
- (2) Broadcast over the Internet from a location in the State; or
- (3) Printed in magazines or newspapers that are printed, distributed or sold in the State.

2. Regulated advertisement requirement. Beginning October 15, 2005, a manufacturer may not present or cause to be presented in the State a regu-