

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

August 2017

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

and bottle non-alcoholic drinks.

LD 911 An Act To Prohibit Certain Gifts to Health Care Practitioners

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S GRATWICK G	OTP-AM	H-481

This bill amends the Maine Pharmacy Act to prohibit a person engaged in the manufacture of prescription drugs or a person who buys prescription drugs for resale and distribution to persons other than consumers from giving a gift to an individual who is licensed, registered or otherwise authorized in the appropriate jurisdiction to prescribe and administer drugs in the course of that individual's professional practice. As defined in the bill, "gift" does not include samples of prescription drugs to be given to patients for free, items with a total value of less than \$50 over a calendar year, payments to sponsors of educational programs, honoraria and payments of expenses incurred at an educational conference or meeting, compensation for genuine research projects, publications or educational materials and salaries or other benefits paid to employees.

Committee Amendment "A" (H-481)

This amendment strikes and replaces the bill. The amendment prohibits a licensed manufacturer or wholesaler of prescription drugs, or an agent of a licensed manufacturer or wholesaler of prescription drugs, from giving or offering to give gifts to an individual who is licensed, registered or otherwise authorized to prescribe and administer drugs in the course of professional practice.

The amendment contains three exceptions to this prohibition, allowing a licensed manufacturer or wholesaler of prescription drugs to give:

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

Enacted Law Summary

Public Law 2017, chapter 267 prohibits a licensed manufacturer or wholesaler of prescription drugs, or an agent of a licensed manufacturer or wholesaler of prescription drugs, from giving or offering to give gifts to an individual who is licensed, registered or otherwise authorized to prescribe and administer drugs in the course of professional practice.

Public Law 2017, chapter 267 also contains three exceptions to this prohibition, allowing a licensed manufacturer or wholesaler of prescription drugs to give:

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