

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Prohibit the Sale or Distribution of Software That Contains Inappropriate Advertising of Prescription Drugs'**

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

'**Sec. 1. 22 MRSA §2700-A, sub-§1, ¶B-1** is enacted to read:

B-1. "Prescriber" means a person who is licensed, registered or otherwise authorized in the appropriate jurisdiction to prescribe and administer drugs in the course of professional practice.

**Sec. 2. 22 MRSA §2700-A, sub-§2-A** is enacted to read:

**2-A. Software prohibition.** Beginning January 1, 2008, a person may not sell or distribute in the State computer software that influences or attempts to influence a prescribing decision of a prescriber to prescribe a certain drug or that directs a patient to a certain pharmacy. Features of computer software that are prohibited include, but are not limited to, pop-up and other advertisements, instant messages and economic incentives that are triggered by or in specific response to a selection, act or other input or designation of pharmacy by the prescriber or an agent of the prescriber. This subsection does not apply to in-house equipment provided within a hospital for use by prescribers and the hospital pharmacy or to information provided to a prescriber about prescription drug formulary compliance, patient care management or pharmacy reimbursement.'

## SUMMARY

This amendment is the majority report of the committee. The amendment adds to the bill a definition of "prescriber," clarifies that the prohibition is on the sale or distribution of certain software, provides a starting date of January 1, 2008 and provides exceptions for in-house equipment in a hospital and for information provided to a prescriber about prescription drug formulary compliance, patient care management or pharmacy reimbursement.