

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

—
H.P. 639 - L.D. 911

An Act To Prohibit Certain Gifts to Health Care Practitioners

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

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 pharmacy students, residents and fellows in professional meetings, including educational meetings, as long as the program identifies such funding recipients based

on independent institutional criteria and the funds are distributed to recipients without specific attribution to sponsors; or

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

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