

1 S.45

2 Introduced by Senators Lyons and Mullin

3 Referred to Committee on Health and Welfare

4 Date: January 25, 2017

5 Subject: Health; prescription drugs; health care providers; gift ban

6 Statement of purpose of bill as introduced: This bill proposes to allow
7 manufacturers of prescribed products to provide buffet meals, snacks, soft
8 drinks, and coffee to Vermont health care providers if they are made generally
9 available to all participants at large-scale conferences and seminars and other
10 large-scale events.

11 An act relating to providing meals to health care providers at conferences

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 ~~Sec. 1. 18 V.S.A. § 4631a is amended to read:~~

14 § 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED
15 PRODUCTS

16 * * *

17 (b)(1) It is unlawful for any manufacturer of a prescribed product or any
18 wholesale distributor of medical devices, or any agent thereof, to offer or give
19 ~~any gift to a health care provider or to a member of the Green Mountain Care~~

1 ~~Board established in chapter 220 of this title~~

2 (2) The prohibition set forth in subdivision (1) of this subsection shall
3 not apply to any of the following:

4 * * *

5 (K) ~~The provision of buffet meals, snacks, soft drinks, or coffee or~~
6 ~~other snacks or refreshments at a booth at a made generally available to all~~
7 ~~participants of a large-scale conference or seminar or similar large-scale event.~~

8 * * *

9 Sec. 2. 18 V.S.A. § 4632 is amended to read:

10 § 4632. DISCLOSURE OF ALLOWABLE EXPENDITURES AND GIFTS
11 BY MANUFACTURERS OF PRESCRIBED PRODUCTS

12 (a)(1) Annually on or before April 1 of each year, every manufacturer of
13 prescribed products shall disclose to the ~~office of the attorney general~~ Office of
14 the Attorney General for the preceding calendar year the value, nature,
15 purpose, and recipient information of any allowable expenditure or gift
16 permitted under subdivision 4631a(b)(2) of this title to any health care
17 provider or to a member of the Green Mountain Care board ~~Board~~ established
18 in chapter 220 of this title, except:

19 * * *

20 (v) buffet meals, snacks, soft drinks, or coffee or other snacks or
21 ~~refreshments at a booth at a made generally available to all participants of a~~

1 ~~large scale conference or seminar or similar large scale event;~~

2 * * *

3 Sec. 3. EFFECTIVE DATE

4 ~~This act shall take effect on passage.~~

Sec. 1. 18 V.S.A. § 4631a is amended to read:

§ 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a) As used in this section:

(1) "Allowable expenditures" means:

(A) Payment to the sponsor of a significant educational, medical, scientific, or policy-making conference or seminar, provided:

(i) the payment is not made directly to a health care professional or pharmacist;

(ii) funding is used solely for bona fide educational purposes, except that the sponsor may, in the sponsor's discretion, apply some or all of the funding to provide meals and other food for all conference participants; and

(iii) all program content is objective, free from industry control, and does not promote specific products.

* * *

(H) Sponsorship of an educational program offered by a medical device manufacturer at a national or regional professional society meeting at which programs accredited by the Accreditation Council for Continuing Medical Education, or a comparable professional accrediting entity, are also offered, provided:

(i) no payment is made directly to a health care professional or pharmacist; and

(ii) the funding is used solely for bona fide educational purposes, except that the manufacturer may provide meals and other food for program participants.

(I) The provision of meals or other food for all conference participants at a significant educational, medical, scientific, or policy-making conference or seminar, as long as any content accompanying the meal or other

food is accredited by the Accreditation Council for Continuing Medical Education or is otherwise objective, free from industry control, and does not promote specific products.

(J) Other reasonable fees, payments, subsidies, or other economic benefits provided by a manufacturer of prescribed products at fair market value.

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Sec. 2. 18 V.S.A. § 4632 is amended to read:

§ 4632. DISCLOSURE OF ALLOWABLE EXPENDITURES AND GIFTS BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a)(1) Annually on or before April 1 of each year, every manufacturer of prescribed products shall disclose to the ~~office of the attorney general~~ Office of the Attorney General for the preceding calendar year the value, nature, purpose, and recipient information of any allowable expenditure or gift permitted under subdivision 4631a(b)(2) of this title to any health care provider or to a member of the Green Mountain Care ~~board~~ Board established in chapter 220 of this title, except:

* * *

(v) ~~buffet meals, snacks, soft drinks, or coffee or other snacks or refreshments at a booth at a~~ made generally available to all participants of a significant educational, medical, scientific, or policy-making conference or seminar;

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.