

1 H.134

2 Introduced by Representatives Rogers of Waterville, Cordes of Lincoln, and

3 Page of Newport City

4 Referred to Committee on

5 Date:

6 Subject: Health; health care providers; manufacturers of prescribed products;

7 gift ban; meals

8 Statement of purpose of bill as introduced: This bill proposes to allow a  
9 manufacturer of prescribed products to provide meals and other food to health  
10 care providers and members of the Green Mountain Care Board at conferences,  
11 as long as the meal or other food is offered to all conference participants and  
12 any content accompanying the meal or other food qualifies for continuing  
13 medical education credits or is otherwise objective, evidence-based, and free  
14 from industry control. The bill would require the manufacturer to disclose its  
15 spending on the meals or food to the Office of the Attorney General, except for  
16 buffet meals, snacks, soft drinks, or coffee that is made generally available to  
17 all conference participants.

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

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

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

3 § 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED  
4 PRODUCTS

5 (a) As used in this section:

6 (1) “Allowable expenditures” means:

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

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

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

14 (iii) all program content is objective, evidence-based, and free  
15 ~~from industry control, and does not promote specific products.~~

16 \* \* \*

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

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

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

6 (I) The provision of meals or other food for all conference  
7 participants at a significant educational, medical, scientific, or policy-making  
8 conference or seminar, as long as any content accompanying the meal or other  
9 food is accredited by the Accreditation Council for Continuing Medical  
10 Education, the American Association of Colleges of Nursing, or a comparable  
11 professional accrediting entity or is otherwise objective, evidence-based, and  
12 free from industry control.

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

16 \* \* \*

17 (14) “Significant educational, scientific, or policy-making conference or  
18 seminar” means an educational, scientific, or policy-making conference or  
19 seminar that:

20 (A) is accredited by the Accreditation Council for Continuing  
21 Medical Education, the American Association of Colleges of Nursing, or a

1 comparable organization or is presented by an approved sponsor of continuing  
2 education, provided that the sponsor is not a manufacturer of prescribed  
3 products; and

4 (B) offers continuing education credit, features multiple presenters on  
5 scientific research, or is authorized by the sponsor to recommend or make  
6 policy.

7 \* \* \*

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

9 § 4632. DISCLOSURE OF ALLOWABLE EXPENDITURES AND GIFTS

10 BY MANUFACTURERS OF PRESCRIBED PRODUCTS

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

17 \* \* \*

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

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Sec. 3. EFFECTIVE DATE

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This act shall take effect on passage.