



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1673

S.P. 544

In Senate, May 2, 2019

An Act To Prohibit Prescription Drug Advertising

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.

Cosponsored by Representative TEPLER of Topsham and

Senators: CLAXTON of Androscoggin, GRATWICK of Penobscot, President JACKSON of Aroostook, LIBBY of Androscoggin, Representatives: BRENNAN of Portland, FOLEY of Biddeford, MASTRACCIO of Sanford, MELARAGNO of Auburn.

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

2 **Sec. 1. 22 MRSA §2700-A, sub-§2**, as enacted by PL 2005, c. 392, §1, is
3 amended to read:

4 **2. Regulated advertisement prohibition.** Beginning ~~October 15, 2005~~ January 1,
5 2020, a manufacturer may not present or cause to be presented in the State a regulated
6 advertisement, ~~unless that advertisement meets the requirements concerning misbranded~~
7 ~~drugs and devices and prescription drug advertising of federal law and regulations under~~
8 ~~21 United States Code, Sections 331 and 352(n) and 21 Code of Federal Regulations, Part~~
9 ~~202 and state rules.~~ A violation of this subsection is a violation of the Maine Unfair
10 Trade Practices Act. Each day a manufacturer is in violation of this subsection is
11 considered a separate violation.

12 **Sec. 2. Effective date.** This Act takes effect on January 1, 2020.

13 **SUMMARY**

14 This bill amends current law, which allows the advertising of prescription drugs only
15 if the advertisement is not misleading, to ban completely, beginning January 1, 2020, the
16 advertising of prescription drugs, either by broadcast by a television or radio station in
17 this State, over the Internet from a location in this State or in a magazine or newspaper
18 printed, distributed or sold in this State. A violation is a violation of the Maine Unfair
19 Trade Practices Act.