

## §2152-C. Disclosures in printed marketing materials of Medicare products

**1. Disclosures.** Except as provided in subsections 2 and 3, a person may not use printed materials marketing Medicare products unless the material:

A. Includes a statement printed on the top and both the front and back of the material in type size no smaller than the largest type size on the material stating "This is an advertisement and solicitation"; [PL 2023, c. 243, §3 (NEW).]

B. Contains in a type size no smaller than the 2nd largest type size on the material stating "[Name of person sponsoring the promotional material] is a private company that is not Medicare, Medicaid or MaineCare and is not a governmental agency"; [PL 2023, c. 243, §3 (NEW).]

C. Contains in a type size no smaller than the 2nd largest type size on the material any other disclaimer on the material; and [PL 2023, c. 243, §3 (NEW).]

D. Does not use a type color for the disclaimer required in paragraph A that is in grayscale or other faded tone, or a font that does not mimic or is not similar to a font used in an official document from a state or federal agency. [PL 2023, c. 243, §3 (NEW).]

[PL 2023, c. 243, §3 (NEW).]

**2. No disclosure required.** The requirements of subsection 1 do not apply to:

A. Informational brochures or other material developed or distributed by a state or federal regulatory agency or a nonprofit organization; or [PL 2023, c. 243, §3 (NEW).]

B. Information related to an existing policy, from a policyholder's insurer, licensed agent or agency of record, including, but not limited to, information for the purpose of assisting, educating or communicating the status of plan benefits, claims, appeals, grievances or notice of termination. [PL 2023, c. 243, §3 (NEW).]

[PL 2023, c. 243, §3 (NEW).]

**3. Application.** This subsection does not apply to any marketing material that has been filed with and approved by the superintendent, or filed with and approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services or filed with the Centers for Medicare and Medicaid Services under that agency's policies allowing for the filing and use of certain marketing materials. Evidence of that approval or filing with the Centers for Medicare and Medicaid Services must be produced upon request of the superintendent.

[PL 2023, c. 243, §3 (NEW).]

**4. Rules.** The superintendent may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2023, c. 243, §3 (NEW).]

### SECTION HISTORY

PL 2023, c. 243, §3 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

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