

§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 [PL 2017, c. 267, §1 (NEW).]
- B. A gift for which reciprocity is expected or implied. [PL 2017, c. 267, §1 (NEW).]
[PL 2017, c. 267, §1 (NEW).]

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; [PL 2017, c. 267, §1 (NEW).]

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 [PL 2017, c. 267, §1 (NEW).]

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. [PL 2017, c. 267, §1 (NEW).]

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

[PL 2017, c. 267, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 267, §1 (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:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.