

SENATE No. 1187

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to prevent undue influence on prescriber behavior.

PETITION OF:

NAME:

Mark C. Montigny
Sonia Chang-Diaz

DISTRICT/ADDRESS:

Second Bristol and Plymouth
Second Suffolk

SENATE No. 1187

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1187) of Mark C. Montigny and Sonia Chang-Diaz for legislation to prevent undue influence on prescriber behavior. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1051 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act to prevent undue influence on prescriber behavior.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 111N of the General Laws is hereby amended by
2 inserting before the definition of “Person” the following definition:-

3 “Modest Meals and Refreshments,” food and/or drinks provided by or paid for by a
4 pharmaceutical or medical device manufacturing company or agent to a health care practitioner,
5 the cost of which does not exceed the allowance defined by the U.S. General Services
6 Administration for the Massachusetts per diem localities. The allowable amounts for modest
7 meals and refreshments shall be updated on an annual basis in accordance with the U.S. General
8 Services Administration meal allowance rates.

9 SECTION 2. Clause (6) of the third paragraph of section 2 of chapter 111N is hereby
10 amended by adding after the word “regulation” the following words:- consistent with this
11 section.

12 SECTION 3. The third paragraph of section 2 of chapter 111N is hereby amended by
13 inserting, after the words “in section 2A”, the following sentences:-

14 For the purposes of this section, presentations that occur in a manner conducive to
15 informational communication shall prohibit the provision of and pharmaceutical or medical
16 device manufacturing company payment for any form of alcoholic beverage. Meals and
17 refreshments shall be provided within the context of the informational presentation, and shall not
18 occur prior to or following the educational presentation. Presentations shall not occur in locations
19 that are otherwise recreational in nature, including, but not limited to, resorts, sporting clubs,
20 casinos or other vacation destinations.

21 SECTION 4. Section 2A of chapter 111N is hereby amended by inserting, after clause
22 (3), the following clauses:

23 (4) total amount spent on meals for such presentation;

24 (5) total amount spent on the venue for such presentation;

25 (6) a description of the content of such presentation;

26 (7) total number of prescriber attendees at such presentation;

27 (8) names of attendees present at such presentation;

28 (9) names and credentials of presenters at such presentation; and

29 (10) total amount spent on other items of economic value provided at such presentation.

30 SECTION 5. Subsection (1) of section 6 of chapter 111N is hereby amended by adding
31 the following sentence:-

32 The department of public health shall collect receipts for all required reporting
33 expenditures pursuant to this section and section 2A of this chapter.