

# SENATE BILL 196

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By: **Senator Kelley**

Introduced and read first time: January 23, 2009

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Pharmaceutical Manufacturers – Disclosure of Payments to Physicians**

3 FOR the purpose of requiring pharmaceutical manufacturers to disclose to the  
4 Maryland Health Care Commission, in a certain form and manner, certain  
5 payments made to physicians; requiring the Commission to publish certain  
6 information in a certain manner; requiring the Commission to adopt certain  
7 regulations on or before a certain date; defining a certain term; and generally  
8 relating to disclosure of payments to physicians by pharmaceutical  
9 manufacturers.

10 BY repealing and reenacting, without amendments,  
11 Article – Health – General  
12 Section 19–101  
13 Annotated Code of Maryland  
14 (2005 Replacement Volume and 2008 Supplement)

15 BY adding to  
16 Article – Health – General  
17 Section 19–138  
18 Annotated Code of Maryland  
19 (2005 Replacement Volume and 2008 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Health – General**

23 19–101.

24 In this subtitle, “Commission” means the Maryland Health Care Commission.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **19-138.**

2 (A) (1) IN THIS SECTION, "PHARMACEUTICAL MANUFACTURER"  
3 MEANS AN ENTITY THAT IS ENGAGED IN THE PRODUCTION, PREPARATION,  
4 PROPAGATION, COMPOUNDING, CONVERSION, OR PROCESSING OF  
5 PRESCRIPTION DRUGS:

6 (I) DIRECTLY OR INDIRECTLY BY EXTRACTION FROM  
7 SUBSTANCES OF NATURAL ORIGIN;

8 (II) INDEPENDENTLY BY MEANS OF CHEMICAL SYNTHESIS;  
9 OR

10 (III) BY A COMBINATION OF EXTRACTION AND CHEMICAL  
11 SYNTHESIS.

12 (2) "PHARMACEUTICAL MANUFACTURER" INCLUDES AN ENTITY  
13 ENGAGED IN THE PACKING, REPACKAGING, LABELING, RELABELING, OR  
14 DISTRIBUTION OF PRESCRIPTION DRUGS.

15 (3) "PHARMACEUTICAL MANUFACTURER" DOES NOT INCLUDE A  
16 PHARMACIST LICENSED UNDER TITLE 12 OF THE HEALTH OCCUPATIONS  
17 ARTICLE.

18 (B) (1) EACH PHARMACEUTICAL MANUFACTURER SHALL DISCLOSE  
19 TO THE COMMISSION ALL PAYMENTS MADE TO PHYSICIANS LICENSED UNDER  
20 TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE TO PRACTICE MEDICINE IN  
21 THE STATE FOR SPEECHES, CONSULTING, OR CONDUCTING RESEARCH.

22 (2) A PHARMACEUTICAL MANUFACTURER SHALL SUBMIT THE  
23 INFORMATION REQUIRED UNDER THIS SUBSECTION IN THE FORM AND MANNER  
24 THAT THE COMMISSION SPECIFIES THROUGH REGULATION.

25 (C) THE COMMISSION SHALL PUBLISH AT LEAST ANNUALLY ON ITS  
26 WEBSITE THE INFORMATION DISCLOSED BY PHARMACEUTICAL  
27 MANUFACTURERS UNDER THIS SECTION, SORTABLE BY:

28 (1) THE LAST NAME OF THE PHYSICIANS WHO RECEIVED  
29 PAYMENTS FROM PHARMACEUTICAL MANUFACTURERS; AND

30 (2) THE NAMES OF THE PHARMACEUTICAL MANUFACTURERS  
31 THAT DISCLOSED PAYMENTS TO PHYSICIANS UNDER THIS SECTION.

1           (D) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT  
2 THIS SECTION ON OR BEFORE JUNE 1, 2010.

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2009.