

SENATE BILL 196

J1

9lr1050

By: **Senator Kelley**

Introduced and read first time: January 23, 2009

Assigned to: Finance

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.

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.