

# SENATE BILL 159

J2  
SB 430/19 – FIN

(PRE-FILED)

2lr0492  
CF 2lr1377

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By: **Senators Kelley, Beidle, Benson, Carter, Feldman, Guzzone, Sydnor, and Waldstreicher**

Requested: September 16, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Authorized Prescribers – Reporting of Financial**  
3 **Gratuities or Incentives**

4 FOR the purpose of requiring each authorized prescriber who receives a financial gratuity  
5 or incentive from a pharmaceutical distributor or manufacturer to file a disclosure  
6 form with a certain health occupations board within a certain period of time to be  
7 used for a certain purpose; and generally relating to disclosures by authorized  
8 prescribers filed with health occupations boards.

9 BY adding to  
10 Article – Health Occupations  
11 Section 1–227  
12 Annotated Code of Maryland  
13 (2021 Replacement Volume)

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

16 **Article – Health Occupations**

17 **1–227.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20 **(2) “AUTHORIZED PRESCRIBER” MEANS ANY LICENSED DENTIST,**  
21 **LICENSED PHYSICIAN, LICENSED PODIATRIST, ADVANCED PRACTICE NURSE WITH**  
22 **PRESCRIPTIVE AUTHORITY UNDER § 8–508 OF THIS ARTICLE, OR ANY OTHER**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INDIVIDUAL AUTHORIZED BY LAW TO PRESCRIBE PRESCRIPTION OR  
2 NONPRESCRIPTION DRUGS OR DEVICES.

3 (3) (I) "FINANCIAL GRATUITY OR INCENTIVE" MEANS THE  
4 PROVISION OR PAYMENT OF ANYTHING OF VALUE IN EXCHANGE FOR THE  
5 PROMOTION OR PURCHASE OF PRODUCTS OR SERVICES.

6 (II) "FINANCIAL GRATUITY OR INCENTIVE" INCLUDES:

7 1. CASH PAYMENT;

8 2. A SPEAKING AGREEMENT;

9 3. A CONSULTING AGREEMENT;

10 4. A PHYSICIAN OWNERSHIP AGREEMENT;

11 5. AN AGREEMENT FOR STOCK OPTIONS;

12 6. AN AGREEMENT FOR A RESEARCH GRANT OR

13 CLINICAL TRIAL;

14 7. A ROYALTY AGREEMENT;

15 8. AN AGREEMENT FOR A FELLOWSHIP;

16 9. AN AGREEMENT FOR CONFERENCE ATTENDANCE;

17 AND

18 10. AN EXCLUSIVE PRODUCT LOYALTY AGREEMENT.

19 (B) EACH AUTHORIZED PRESCRIBER WHO RECEIVES A FINANCIAL  
20 GRATUITY OR INCENTIVE FROM A PHARMACEUTICAL DISTRIBUTOR OR  
21 MANUFACTURER SHALL FILE WITH THE HEALTH OCCUPATIONS BOARD THAT  
22 LICENSES THE AUTHORIZED PRESCRIBER A FINANCIAL DISCLOSURE FORM  
23 REQUIRED BY THE HEALTH OCCUPATIONS BOARD WITHIN 30 DAYS AFTER THE DATE  
24 THE FINANCIAL GRATUITY OR INCENTIVE IS RECEIVED BY THE AUTHORIZED  
25 PRESCRIBER.

26 (C) THE INFORMATION DISCLOSED BY THE AUTHORIZED PRESCRIBER ON  
27 THE FORM UNDER SUBSECTION (B) OF THIS SECTION:

28 (1) MAY BE USED BY A HEALTH OCCUPATIONS BOARD ONLY TO AUDIT,

1 INVESTIGATE, OR TAKE DISCIPLINARY ACTION AGAINST THE AUTHORIZED  
2 PRESCRIBER; AND

3 (2) MAY NOT BE DISCLOSED TO THE PUBLIC.

4 (D) IF AN AUTHORIZED PRESCRIBER WILLFULLY FAILS TO FILE A  
5 FINANCIAL DISCLOSURE FORM AS REQUIRED BY SUBSECTION (B) OF THIS SECTION,  
6 THE HEALTH OCCUPATIONS BOARD MAY IMPOSE A FINE NOT TO EXCEED \$1,000 PER  
7 VIOLATION.

8 (E) A HEALTH OCCUPATIONS BOARD SHALL ADOPT REGULATIONS TO  
9 IMPLEMENT THIS SECTION.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
11 apply only prospectively and may not be applied or interpreted to have any effect on or  
12 application to any financial gratuity or incentive received before the effective date of this  
13 Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2022.