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S.61

Introduced by Senators Westman, Cummings, Kitchel and Lyons

Referred to Committee on

Date:

Subject: Health; health care providers; manufacturers of prescribed products;  
gift ban; meals

Statement of purpose of bill as introduced: This bill proposes to allow a manufacturer of prescribed products to provide meals and other food to health care providers and members of the Green Mountain Care Board at conferences, as long as the meal or other food is offered to all conference participants and any content accompanying the meal or other food qualifies for continuing medical education credits or is otherwise objective free from industry control and does not promote specific products. The bill would require the manufacturer to disclose its spending on the meals or food to the Office of the Attorney General, except for buffet meals, snacks, soft drinks, or coffee that is made generally available to all conference participants.

An act relating to providing meals to health care providers at conferences

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 18 V.S.A. § 4631a is amended to read:

3 § 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED  
4 PRODUCTS

5 (a) As used in this section:

6 (1) “Allowable expenditures” means:

7 (A) Payment to the sponsor of a significant educational, medical,  
8 scientific, or policy-making conference or seminar, provided:

9 (i) the payment is not made directly to a health care professional  
10 or pharmacist;

11 (ii) funding is used solely for bona fide educational purposes,  
12 except that the sponsor may, in the sponsor’s discretion, apply some or all of  
13 the funding to provide meals and other food for all conference participants; and

14 (iii) all program content is objective, free from industry control,  
15 and does not promote specific products.

16 \* \* \*

17 (H) Sponsorship of an educational program offered by a medical  
18 device manufacturer at a national or regional professional society meeting at  
19 which programs accredited by the Accreditation Council for Continuing  
20 Medical Education, or a comparable professional accrediting entity, are also  
21 offered, provided:

1 (i) no payment is made directly to a health care professional or  
2 pharmacist; and

3 (ii) the funding is used solely for bona fide educational purposes,  
4 except that the manufacturer may provide meals and other food for program  
5 participants.

6 (I) The provision of meals or other food for all conference  
7 participants at a significant educational, medical, scientific, or policy-making  
8 conference or seminar, as long as any content accompanying the meal or other  
9 food is accredited by the Accreditation Council for Continuing Medical  
10 Education or is otherwise objective, free from industry control, and does not  
11 promote specific products.

12 (J) Other reasonable fees, payments, subsidies, or other economic  
13 benefits provided by a manufacturer of prescribed products at fair market  
14 value.

15 \* \* \*

16 Sec. 2. 18 V.S.A. § 4632 is amended to read:

17 § 4632. DISCLOSURE OF ALLOWABLE EXPENDITURES AND GIFTS  
18 BY MANUFACTURERS OF PRESCRIBED PRODUCTS

19 (a)(1)(A) Annually on or before April 1 of each year, every manufacturer  
20 of prescribed products shall disclose to the Office of the Attorney General for  
21 the preceding calendar year the value, nature, purpose, and recipient

1 information of any allowable expenditure or gift permitted under subdivision  
2 4631a(b)(2) of this title to any health care provider or to a member of the  
3 Green Mountain Care Board established in chapter 220 of this title, except:

4 \* \* \*

5 (v) ~~coffee or other snacks or refreshments at a booth at a~~ buffet  
6 meals, snacks, soft drinks, or coffee made generally available to all participants  
7 of a significant educational, medical, scientific, or policy-making conference  
8 or seminar;

9 \* \* \*

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.