

SENATE No. 1301

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

DISTRICT/ADDRESS:

Second Bristol and Plymouth

SENATE No. 1301

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1301) of Mark C. Montigny for legislation to prevent undue influence on prescriber behavior. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1232 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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, as appearing in the 2016
2 Official Edition, is hereby amended by inserting before the definition of “Person” the following
3 definition:-

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

10 SECTION 2. Clause (6) of the third paragraph of section 2 of said chapter 111N is hereby
11 amended by adding after the word “regulation” the following words:- consistent with section 1
12 of this chapter. For the purposes of this section, presentations that occur in a manner conducive
13 to informational communication shall prohibit the provision of and pharmaceutical or medical
14 device manufacturing company payment for any form of alcoholic beverage. Meals and
15 refreshments shall be provided within the context of the informational presentation, and shall not
16 occur prior to or following the educational presentation. Presentations shall not occur in locations
17 that are otherwise recreational in nature, including, but not limited to, resorts, sporting clubs,
18 casinos or other vacation destinations.

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

- 21 (4) total amount spent on meals for such presentation;
- 22 (5) total amount spent on the venue for such presentation;
- 23 (6) a description of the content of such presentation;
- 24 (7) total number of prescriber attendees at such presentation;
- 25 (8) names of attendees present at such presentation;
- 26 (9) names and credentials of presenters at such presentation; and
- 27 (10) total amount spent on other items of economic value provided at such presentation.

28 SECTION 4. Subsection (1) of section 6 of said chapter 111N is hereby amended by
29 adding the following sentence:-

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