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H.836

Introduced by Representative Burditt of West Rutland

Referred to Committee on

Date:

Subject: Health; prescription drugs; prescribed product manufacturers; gift ban

Statement of purpose of bill as introduced: This bill proposes to permit  
prescribed product manufacturers to provide meals to a health care  
professional in the professional's office.

An act relating to meals for health care professionals

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

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

§ 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED  
PRODUCTS

(a) As used in this section:

(1) "Allowable expenditures" means:

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

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



1 (7)(A) "Health care professional" means:

2 (i) a person who is authorized by law to prescribe or to  
3 recommend prescribed products, who regularly practices in this ~~state~~ State, and  
4 who either is licensed by this ~~state~~ State to provide or is otherwise lawfully  
5 providing health care in this ~~state~~ State; or

6 (ii) a partnership or corporation made up of the persons described  
7 in subdivision (i) of this subdivision (7)(A); or

8 (iii) an officer, employee, agent, or contractor of a person  
9 described in subdivision (i) of this subdivision (7)(A) who is acting in the  
10 course and scope of employment, of an agency, or of a contract related to or  
11 supportive of the provision of health care to individuals.

12 (B) The term shall not include a person described in subdivision (A)  
13 of this subdivision (7) who is employed solely by a manufacturer.

14 \* \* \*

15 (b)(1) It is unlawful for any manufacturer of a prescribed product or any  
16 wholesale distributor of medical devices, or any agent thereof, to offer or give  
17 any gift to a health care provider or to a member of the Green Mountain Care  
18 ~~board~~ Board established in chapter 220 of this title.

19 (2) The prohibition set forth in subdivision (1) of this subsection shall  
20 not apply to any of the following:

1           (L) The provision of meals or other food to a health care professional  
2           and his or her employees as long as the meals or other food are consumed in  
3           the health care professional's office.

4           Sec. 2. EFFECTIVE DATE

5           This act shall take effect on July 1, 2014.