

Attachment on State Codes: This material is provided as a resource to our ATS members and International Conference attendees. It is not intended to be legal advice. The ATS gratefully acknowledges the work of the Rockpointe ([www.policymed.com](http://www.policymed.com)) for compiling excellent summaries of current state laws for medical societies to share with their constituents.

### **California**

**Annual Spend Restriction:** Each pharmaceutical company must establish explicitly in its Comprehensive Compliance Program a specific annual dollar limit on gifts, promotional materials, or items that company may provide to a HCP.

### **Connecticut**

**Spend Disclosure (annually by July 1<sup>st</sup>; no fee):** The law requires manufacturers operating in the U.S. (including a territory, possession, or commonwealth) of covered drugs, devices, biologicals, and medical supplies to track all payments or other transfers of value they make to APRNs practicing *independently* in Connecticut. First report is due by July 1, 2017 for the period from January 1, 2016 to December 31, 2016.

**Compliance Program:** Each pharmaceutical, biological, or medical device company must adopt a comprehensive compliance program in accordance with the guidelines provided in the "Compliance Program Guidance for Pharmaceutical Manufacturers," as well as adopt and implement a code that is consistent with the PhRMA or AdvaMed Code.

### **Colorado**

**State Employee Gift Restriction:** Prohibits any state employee from soliciting, accepting, or receiving, directly or indirectly, any gift or other item of value (including meals), regardless of form (e.g., money, service loan, travel, entertainment, hospitality, or promise) worth more than \$50 (now \$59; adjusted for inflation every four years) in any calendar year.

### **District of Columbia**

**Spend Disclosure:** All expenses associated with educational programs, gifts, or food valued at more than \$25 provided to a HCP must be disclosed by July 1<sup>st</sup> of each year. Additionally, expenses associated with advertising, marketing, and direct promotion of prescription drugs through radio, television, magazines, newspapers, direct mail, and telephone communications as they pertain to District residents must be disclosed. Further, the aggregate cost of, including all forms of payment to, all employees or contractors of the manufacturer or labeler who directly or indirectly engage in the advertising or promotional activities must be disclosed.

**Gift Prohibition:** No gifts may be provided to D.C. Medication Advisory Committee (DCMAC) members. Drug samples are permitted.

### **Louisiana**

**Public Employee Gift Restriction:** Entities are prohibited from giving anything of economic value to a public employee of more than \$60 in food, drink or refreshment at any given event.

## Maine

**Gift Ban (Requires Board of Pharmacy Rulemaking to Implement):** Law passed in 2017 that will establish a gift ban law (exempts education). Nothing further is required until regulations are promulgated by the respective state agency overseeing enforcement of the law.

## Massachusetts

**Annual Spend Disclosure** Pharmaceutical and medical device companies must annually disclose gifts to covered recipients or practitioners of \$50 or more.

**Gift Restrictions** – Restriction on items except exhibit distributed items, limits meals to “Modest meals” as defined by what a clinician would spend on himself at a restaurant.

**Compliance Program:** Companies must adopt the Massachusetts Marketing Code of Conduct, which incorporates the requirements from the PhRMA and AdvaMed Codes. Companies must also establish a compliance program and conduct annual audits and training.

## Minnesota

**Gift Prohibition:** It is unlawful for a manufacturer or wholesale distributor to offer any gift with a total retail value of more than \$50 per HCP in a calendar year.

**Spend Disclosure:** Manufacturers must annually report (1) reasonable honoraria and payment of the reasonable expenses of a practitioner who serves on the faculty at a professional or educational conference or meeting, and (2) compensation for the substantial professional or consulting services of a practitioner in connection with a genuine research project provided to APRNs, PAs, and Dental Therapists, if such payments exceed \$100 annually.

## Nevada

**Compliance Program:** A wholesaler or manufacturer who employs a person to sell or market a drug shall adopt a written marketing code of conduct which establishes the practices and standards that govern the marketing and sale of its products (adopting the PhRMA or AdvaMed Code satisfies the requirement).

## New Jersey

**Bona Fide Services Cap:** Prohibition on prescribers from accepting more than ten thousand dollars (\$10,000.00) in the aggregate from all pharmaceutical manufacturers (combined) in any calendar year for serving as speakers at promotional activities, participating on advisory boards, an consulting arrangements.

- The following types of services are included in the “bona fide services” definition: **(a)** Presenting as speakers at “promotional activities”; **(b)** Presenting as speakers at “education events”; **(c)** Participation on advisory boards; and **(d)** Consulting arrangements.

- Research activities are excluded from the definition. “Research” is broadly defined and includes pre-market and post-market activities that meet the following requirements: **(a)** Any study assessing the safety or efficacy of prescribed products administered alone or in combination with other prescribed products or other therapies; **(b)** Assessing the relative safety or efficacy of prescribed products in comparison with other prescribed products or other therapies; or **(c)** Any systemic investigation, including scientific advising on the development, testing, and evaluation, that is designed to develop or contribute to general knowledge or reasonably can be considered to be of significant interest or value to scientists or prescribers working in a particular field.
- **Additional Exemptions:** **(a)** Contracts entered into on or before January 15, 2018; **(b)** A prescriber who is employed by a pharmaceutical manufacturer, who does or does not also provides patient care; **(c)** Prescribers speaking at education events; **(d)** Payments for royalties and licensing fees paid in return for contractual rights to use or purchase a patented or otherwise legally recognized discovery for which the prescriber holds an ownership right.

**Meal Limit:** A fifteen dollar (\$15.00) limit on modest meals (includes food and/or refreshment) per prescriber/per occasion. The prohibition extends to all bona fide services, including food and/or refreshments provided any time of the day (i.e., breakfast, lunch, or dinner). The only exception is if the modest meal is part of the bona fide services contract.

These limits apply to funds provided by Manufactures and Marketing Agents rule apply to physician licensure.

### **New York**

**State Employee Gift Restriction:** State employees may not receive food/beverage valued at more than \$15 per occasion (as a whole, not by employee).

### **Vermont**

**Gift Prohibition:** All meals are prohibited, except for refreshments provided at a booth at convention/congress and meals provided as part of a bona fide contract.

**Spend & Sample Disclosure (annually by April 1<sup>st</sup>; no fee):** Requires manufacturers of prescribed products – including pharmaceuticals, biological products, and medical devices – to register with the Attorney General's Office and disclose allowable expenditures made and permitted gifts given to Vermont HCPs and other recipients.