



**AN ACT CONCERNING PHYSICIAN REPORTING OF GIFTS FROM
PHARMACEUTICAL MANUFACTURING COMPANIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) As used in this
2 section:

3 (1) "Clinical trial" means a clinical trial approved by an institutional
4 review board conducted in connection with a research study designed
5 to answer specific questions about vaccines, new therapies or new
6 ways of using known treatments.

7 (2) "Commissioner" means the Commissioner of Public Health.

8 (3) "Department" means the Department of Public Health.

9 (4) "Detailing" means a meeting between a pharmaceutical marketer
10 and a health care provider for the purpose of discussing a
11 pharmaceutical product being marketed by the pharmaceutical
12 marketer.

13 (5) "Pharmaceutical manufacturing company" means any entity that
14 is engaged in the production, preparation, propagation, compounding,
15 conversion or processing of prescription drugs, either directly or
16 indirectly by extraction from substances of natural origin, or
17 independently by means of chemical synthesis, or by a combination of

18 extraction and chemical synthesis, or any entity engaged in the
19 packaging, repackaging, labeling, relabeling or distribution of
20 prescription drugs, but does not include a wholesale drug distributor
21 or pharmacist licensed under chapter 400j of the general statutes.

22 (6) "Pharmaceutical marketer" means a person who, while employed
23 by or under contract to represent a pharmaceutical manufacturing
24 company, engages in pharmaceutical detailing, promotional activities
25 or other marketing of prescription drugs in this state to any health care
26 provider. "Pharmaceutical marketer" does not include a wholesale
27 drug distributor or the distributor's representative who promotes or
28 otherwise markets the services of the wholesale drug distributor in
29 connection with a prescription drug.

30 (7) "Promotion" includes, but is not limited to, free meals or food,
31 media events, gifts, trips or educational conferences.

32 (b) Every physician licensed under chapter 370 of the general
33 statutes, chiropractor licensed under chapter 372 of the general
34 statutes, natureopathic physician licensed under chapter 373 of the
35 general statutes and dentist licensed under chapter 379 of the general
36 statutes, shall file a report with the department, signed under penalty
37 of false statement, disclosing the value, nature and purpose of any gift,
38 fee, payment, subsidy or other economic benefit provided during the
39 previous six months in connection with detailing, promotions or other
40 marketing activities by a pharmaceutical manufacturing company,
41 directly or through its pharmaceutical marketers. The report shall be
42 made on a form prescribed by the commissioner. The first report shall
43 be due August 1, 2004, and shall provide the required information for
44 the six-month period from January to June, inclusive. Thereafter,
45 reports shall be due each February first and August first and shall
46 report information for the last six months of the year and the first six
47 months of the year, respectively.

48 (c) The following shall be exempt from disclosure pursuant to
49 subsection (b) of this section:

50 (1) Any gift, fee, payment, subsidy or other economic benefit worth
51 less than five dollars, other than meals or food;

52 (2) Free samples of prescription drugs intended to be distributed to
53 patients;

54 (3) The payment of reasonable compensation and reimbursement of
55 expenses in connection with bona fide clinical trials;

56 (4) Scholarships or donations to permit medical students, residents
57 or fellows to attend educational conferences; and

58 (5) Educational conferences at which the products of a sponsoring
59 pharmaceutical manufacturing company are not specifically marketed
60 or discussed as part of the prepared presentations.

61 (d) Acting upon the complaint of any person regarding an alleged
62 violation of this section, or upon information available to the
63 department, the commissioner shall conduct a hearing on such
64 complaint, in accordance with the provisions of chapter 54 of the
65 general statutes, governing contested cases. Not later than fifteen days
66 after the public hearing conducted in accordance with this subsection,
67 the commissioner shall publish the finding and a memorandum of the
68 reasons therefor. Such finding and memorandum shall be deemed to
69 be the final decision of the commissioner on the matter for the
70 purposes of chapter 54 of the general statutes. The respondent, if
71 aggrieved by the finding and memorandum, may appeal therefrom to
72 the Superior Court in accordance with the provisions of section 4-175
73 or 4-183 of the general statutes.

74 (e) Any person who intentionally violates any provision of this
75 section shall be imprisoned for a term not to exceed one year or shall
76 be fined an amount not to exceed two thousand dollars, or both.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

PH *Joint Favorable Subst.*