

IMS Health Inc. v. Ayotte - What Does it Mean for the Health Care Industry

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In November 2008, the United States Court of Appeals for the First Circuit issued a decision upholding a controversial New Hampshire law governing the sale, license, transfer, and use of prescriber-identifiable data in the case *IMS Health Inc. v. Ayotte*. This decision was widely viewed as a setback both to pharmaceutical companies and to the companies that collect and sell data for use in prescription drug marketing. Although the First Circuit's decision to uphold the New Hampshire law likely will embolden those states considering similar legislation and create a trend toward increased regulation of data sales, the New Hampshire law is unlikely to achieve the desired impact on pharmaceutical companies' prescription drug marketing practices.

In this article, published in *BNA Health Law Reporter* on December 18, 2008, Mintz Levin attorneys Jennifer Williams and Heather Westphal provide a detailed analysis of the act on the industry, and discuss future legislation which is likely to be enacted in other states.

Full article

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