



ML Strategies Alert

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Massachusetts Legislature Makes Major Changes to the Gift Ban Law

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The Massachusetts Legislature today voted to pass the FY2013 budget conference report which includes sections that will alter key provisions of M.G.L. Chapter 111N, the state's so-called Gift Ban Law. After weeks of deliberations, the six-member legislative conference committee filed the compromise budget last night. The final product addresses differences between the initial House and Senate budget proposals in which the House attempted to repeal entire sections of the Gift Ban Law and the Senate opted not to address the issue.

The compromise language amends Section 2 of the Gift Ban Law in several ways, including:

- Permitting the payment of reasonable expenses necessary for technical training on the use of a medical device without a requirement for a pre-existing vendor purchase contract
- Allowing for the payment of "modest meals and refreshments" for non-CME educational presentations that are designed to educate health care practitioners about the benefits, risks and appropriate uses of prescription drugs or medical devices
- Charging the Department of Public Health (DPH) with the responsibility to promulgate regulations that define "modest meals and refreshments" and
- Relieving pharmaceutical and medical device companies from disclosing certain information to the DPH where the companies have already done so pursuant to federal law

The new provisions would take effect upon Governor Deval Patrick's signature.

To learn more about the state budget process, view this prior MLS Alert:
<http://www.mintz.com/newsletter/2012/Newsletters/1664-0212-NAT-MLS/index.htm>

To view the FY13 Budget Conference Committee report, click here:
<http://www.mass.gov/legis/journal/desktop/Current%20Agenda%202011/H4200.pdf>

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