

HB3494



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3494

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

New Act

Creates the Physician Gift Ban Act. Prohibits a pharmaceutical marketer from providing any promotions, including, but not limited to, travel and prizes, to a physician to induce the physician to prescribe Tier 1 medications.

LRB101 10571 SMS 55677 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Physician Gift Ban Act.

6 Section 5. Definitions. As used in this Act:

7 "Labeler" means an entity or person that receives
8 prescription drugs from a manufacturer or wholesaler and
9 repackages those drugs for later retail sale and that has a
10 labeler code from the Food and Drug Administration under 21
11 C.F.R. 207.20. "Labeler" does not include a retail pharmacy or
12 pharmacist that labels a prescription vial.

13 "Manufacturer" means a manufacturer of prescription drugs
14 as defined in 42 U.S.C. 1396r-8 (k) (5), including a subsidiary
15 or affiliate of a manufacturer.

16 "Pharmaceutical marketer" means a person who, while
17 employed by or under contract to represent a manufacturer or
18 labeler, engages in pharmaceutical detailing, promotional
19 activities, or other marketing of prescription drugs in this
20 State to any physician, hospital, nursing home, pharmacist,
21 health benefit plan administrator, or any other person
22 authorized to prescribe or dispense prescription drugs.

23 "Physician" means a physician licensed to practice

1 medicine in all its branches under the Medical Practice Act of
2 1987.

3 Section 10. Prohibited gifts. A pharmaceutical marketer
4 may not provide a physician with any promotions, including, but
5 not limited to, paid travel and prizes, to induce the physician
6 to prescribe Tier 1 medications.