

## Appendix 2: Comparison of State Pharmaceutical Company Payment Disclosure Laws

		DC <sup>1</sup>	ME <sup>2</sup>	MN <sup>3</sup>	VT <sup>4</sup>	WV <sup>5</sup>
<b>Disclosure Requirements</b>						
Device and biologic makers	No	No	No	No	No	No
Itemized report of each payment	Yes	Yes	No	Yes	No	No
Single entry per practitioner	No	No	Yes	No	No	No
Summary data only <sup>6</sup>	No	No	No	No	Yes	Yes
Name of reporter	Yes*	Yes*	No	Yes	Yes*	Yes*
Name of recipient	Yes	Yes	Yes	Yes	No	No
Type of recipient/credentials	Yes*	Yes*	Yes*	Yes*	No	No
License number	No	No	No	No	No	No
Location/address	No	No	Yes*	Yes*	No	No
Affiliated facility	No	No	No	Yes*	No	No
Date of payment	Yes*	Yes*	No	Yes*	No	No
Amount	Yes	Yes	Yes	Yes	No	No
Form of payment	Yes	Yes	Yes	Yes	No	No
Purpose of payment	Yes	Yes	No	Yes	No	No
<b>Explicitly Included in Disclosure Requirement</b>						
Educational programs/materials	Yes	Yes	Yes <sup>7</sup>	"any gift, fee, payment, subsidy, or other economic benefit provided in connection with . . . marketing activities"	"gifts, grants, or payments of any kind" which are "provided directly or indirectly"	
Food/entertainment/payments	Yes	Yes	N/A**			
Travel	Yes	Yes	N/A**			
Product samples (not intended as free for patients)	Yes	Yes	N/A**			
Honoraria/consulting fees	Yes*	Yes*	Yes			
<b>Explicitly Exempted from Disclosure Requirement</b>						
Payments less than	\$25	\$25	\$100 <sup>8</sup>	\$25	\$100*	
Clinical trials/research	Yes	Yes	No	Yes	Yes	
Free samples for patients	Yes	Yes	Yes	Yes	Yes	
Medical conferences <sup>9</sup>	Yes	Yes	No	Yes	Yes	
Continuing medical education	No	No	No	Yes	No	
Drug rebates/discounts	No	No	N/A**	Yes	No	
<b>Additional Features</b>						
Submission via internet	No	Yes	No	Yes	No	
Unit of enforcement	Civil action by Corp Counsel; \$1,000 fine for each false submission or omission	Civil action by AG; \$1,000 fine for failure to report	Disciplinary proceeding initiated by Board of Pharmacy; potential fine up to \$10,000 or loss of license	Civil action by AG; \$10,000 fine per violation	None provided by statute	
Implementing agency	DoH	DHHS	Board of Pharmacy	AG	Pharm. Cost Management Council	
Annual reporting fee	\$2,500	\$1,000	None	None	None	

Company Disclosures to Agency

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Public Access to Disclosed Information	Disclosures explicitly made public record	No	No	Yes	No	No
	Disclosures explicitly exempted from open records act	Yes	Yes	No	No	Yes
Agency Reports to Legislature	Report required	Yes	Yes	No	Yes	Yes
	Frequency	Annually	Annually	N/A	Annually	Annually
	Report contents	Aggregate expenses (annually); analysis of effects on health care and recommendations (biannually)	Aggregate expenses (annually); analysis of effects on health care and recommendations (biannually)	N/A	Summary and aggregate of disclosed info	Aggregate data
	Report to	DC Council and Corp. Council	Leg. & AG	N/A	Leg. & Gov.	Leg. Committee
	Easily accessible on the internet	Reporting not yet begun	Reporting not yet begun	N/A	Yes	Reporting not yet begun

\* Indicates that requirement is not specified in state statute but is required by state agency.

\*\* These payments are banned under MN law.

<sup>1</sup> D.C. Code Ann. § 48-833.

<sup>2</sup> Me. Rev. Stat. Ann. Tit. 22, § 2698-A.

<sup>3</sup> Minn. Stat. Ann. § 151.47.

<sup>4</sup> Vt. Stat. Ann. Tit. 33, § 2005.

<sup>5</sup> W. Va. Code Ann. § 5A-3C-13.

<sup>6</sup> WV requires companies to indicate total number of prescribers who have received an aggregate amount in payments within specific dollar ranges.

<sup>7</sup> MN only permits pharmaceutical companies to make payments directly to sponsors of bona fide medical education programs, and not to the practitioners themselves.

<sup>8</sup> MN places a \$50 total yearly limit on all payments to practitioners, with exceptions for educational programs, honoraria, and consulting fees. Minn. Stat. Ann. § 151.461. All expenses excepted from the payment ban that total more than \$100 to a particular practitioner in one year must be reported.

<sup>9</sup> DC, ME, VT, and WV permit pharmaceutical companies to exempt from reporting scholarships for conferences and seminars only if the association sponsoring the event chooses the recipient of the scholarship. WV and VT requires disclosure unless the recipient is a medical student, resident or fellow.