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An Act To Require Health Care Practitioners To Distribute Free Samples of Medications in Certain Circumstances

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1723 is enacted to read:

§ 1723. Distribution of free samples of medications

A health care practitioner, as defined in section 1711-C, subsection 1, paragraph F, who is authorized to prescribe medications shall provide free samples of a medication to a patient prior to submitting a prescription to a pharmacy for the same medication in order to test the reaction of the patient to the medication and the effectiveness of the medication in the treatment of the disease or condition of the patient if:

1. Availability. The health care practitioner has available free samples of the medication in the correct dosage for the patient;

2. Appropriateness. The health care practitioner determines that providing free samples of the medication to the patient is appropriate for the patient; and

3. Timeliness. The health care practitioner determines that providing free samples of the medication will not delay necessary treatment.

SUMMARY

This bill requires health care practitioners to distribute free samples of medications to patients in order to test the reaction of the patient to the medication and the effectiveness of the medication in the treatment of the disease or condition. The requirement to distribute free samples depends on availability, appropriateness and timeliness.