

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1134
Health

(Delegate Taveras, *et al.*)

Pharmaceutical Drugs and Devices - Gifts to Health Care Professionals -
Prohibition

This bill prohibits a person that sells drugs or devices from giving or offering gifts – not including peer-reviewed medical literature – to a health care professional that have a total combined value of more than \$50 in one calendar year. An individual who violates the bill is guilty of a misdemeanor and, on conviction, may be subject to a fine of up to \$5,000 and/or imprisonment for up to six months.

Fiscal Summary

State Effect: Several health occupations boards advise that any reporting or other requirements can be absorbed by existing budgeted resources. Penalty provisions are not anticipated to materially impact State revenues.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Gift” means any payment, food, entertainment, travel, subscription, advance, service, or anything else of value provided to a health care professional, unless the health care professional reimburses the cost at fair market value.

“Health care professional” means (1) an individual who is licensed or certified under the Health Occupations Article and authorized to prescribe or recommend prescribed products; (2) a partnership or corporation composed of the aforementioned individuals; or (3) an

officer, employee, agent, or contractor of a person described above who is acting in the course and scope of employment or a contract related to or supportive of the provision of health care to individuals. It does not include an individual employed solely by a manufacturer.

Current Law: “Device” means any instrument, apparatus, or contrivance, or any part of accessory of an instrument, apparatus, or contrivance, that is intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of human disease, or (2) to affect the structure or any function of the human body for medical, surgical, or therapeutic purposes.

“Drug” means any substance or component of a substance (1) that is recognized in an official compendium; (2) that is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings; or (3) except for food, that is intended to affect the structure or any function of the human body.

There are no current laws or regulations regarding gifts to health care professionals. However, members of the Prescription Drug Affordability Board, established under Chapter 692 of 2019, are prohibited from accepting any gift or donation of services or property that indicates a potential conflict of interest or has the appearance of biasing the work of the board.

Additionally, the federal Patient Protection and Affordable Care Act requires drug and medical device manufacturers to annually report gifts and payments made to physicians and teaching hospitals.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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jg/jc

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