TRUTH IN MEDICINE ACT

SECTION 1. DEFINITIONS

(a) “Off-label” means the use of an United States Food and Drug Administration- approved drug, biological product, or device other than the use(s) approved by the FDA.

(b) “Misbranding” shall refer to either the federal definition under 21 U.S.C. § 352 or the state definition under [STATE LAW].

SECTION 2.

(a) A pharmaceutical manufacturer or its representatives may engage in truthful promotion of off-label uses.

(b) This article does not require a health insurance carrier, other third-party payer, or other health plan sponsor to provide coverage for the cost of any off-label treatment. A health insurance carrier, other third-party payer or other health plan sponsor may provide coverage for an off-label treatment.

SECTION 3.

(a) Notwithstanding any other law, no official, employee or agent of this state
shall enforce or apply [STATE LAW] against or otherwise prosecute a pharmaceutical manufacturer or its representatives for engaging in truthful promotion of off-label uses.

(b) Notwithstanding any other law, no state regulatory board may revoke, fail to renew or take any other action against a pharmaceutical manufacturer’s or representative’s, health care institution’s, or physician’s license solely for engaging in truthful promotion of off-label uses.

SECTION 4.

(a) This state and all political subdivisions of this state are prohibited from using any personnel or financial resources to enforce or cooperate with federal attempts to enforce or apply 21 U.S.C. §§ 331 or 352 against or otherwise prosecute a pharmaceutical manufacturer or its representatives solely for engaging in truthful promotion of off-label uses.