

Memo

To: Manufacturers of Prescribed Products

From: Wendy Morgan, Chief of the Public Protection Division
Kate Whelley McCabe, Assistant Attorney General
Vermont Office of the Attorney General

Date: December 20, 2011

Subject: Medical Foods

On our November 16, 2011 conference call, we were asked how the distribution of medical foods to HCPs for free distribution to patients fits into the Prescribed Product Gift Ban and Disclosure law.

As the law currently reads, the distribution of medical foods is a banned gift. However, it is the Office's position that it would be more consistent with the purposes of the statute to treat the distribution of medical foods as a permitted gift.

Therefore, the Office will not enforce the gift ban with respect to the distribution of medical foods for past distribution or for distribution that takes place in 2012. However, for 2012, you should report expenditures associated with the distribution of medical foods as a permitted gift. The Office will work with the Legislature in the upcoming session to amend the statute to make distribution of medical foods to HCPs for free distribution to patients a permitted gift.

We assume that the above negates the need for a conference call on this topic. Please be in touch via prescribedproducts@atg.state.vt.us if this is not the case.

Thank You.