

§1499-G. Disclaimer on promotional materials using Medicare, Medicaid or MaineCare

1. Disclaimer. A person may not use any advertisement, solicitation, informational brochure, mailer or other promotional material using the terms "Medicare," "Medicaid" or "MaineCare" unless the material:

A. Includes a disclaimer printed on the top and both front and back of the material in type size no smaller than the largest type size on the material stating "This is an advertisement and solicitation"; [PL 2023, c. 243, §1 (NEW).]

B. Contains in a type size no smaller than the 2nd largest type size on the material stating "[Name of person sponsoring the promotional material] is a private company that is not Medicare, Medicaid or MaineCare and is not a governmental agency"; [PL 2023, c. 243, §1 (NEW).]

C. Contains in a type size no smaller than the 2nd largest type size on the material any other disclaimer on the material; and [PL 2023, c. 243, §1 (NEW).]

D. Does not use a type color for the disclaimer required in paragraph A that is in grayscale or other faded tone, or a font that does not mimic or is not similar to a font used in an official document from a state or federal agency. [PL 2023, c. 243, §1 (NEW).]

[PL 2023, c. 243, §1 (NEW).]

2. Application. The requirements of subsection 1 do not apply to any informational brochure or other material distributed by a person that does not sell or profit from the sale of any insurance product. [PL 2023, c. 243, §1 (NEW).]

3. Rules. The Attorney General may adopt rules to implement this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 243, §1 (NEW).]

4. Violation. A person that fails to comply with subsection 1 commits a violation of the Maine Unfair Trade Practices Act. [PL 2023, c. 243, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 243, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.