

HB 2640 -- LEGAL ADVERTISEMENTS

SPONSOR: Gregory

This bill specifies what is prohibited with respect to legal advertisements. Additionally, the bill states that a person must not use a legal advertisement to solicit clients who may allege an injury from a prescription drug or medical device approved by the Food and Drug Administration unless the advertisement includes required information, provided in the bill. A person must not use, cause to be used, obtain, sell, transfer, or disclose protected health information to another person for the purpose of soliciting an individual for legal services without written authorization from the person who is the subject of the information. This does not apply to the use or disclosure of protected health information by an individual's legal representative in the course of any judicial or administrative proceeding or as otherwise permitted by law.

A person who willfully and knowingly uses, causes to be used, obtains, sells, transfers, or discloses protected health information in violation of this bill is guilty of a class A misdemeanor. Furthermore, a person who does so for the purpose of financial gain is guilty of a class C felony.

The bill specifies that any violation of sections in this bill constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to penalties and remedies as provided under Chapter 407, RSMo, in addition to the penalties and remedies provided in this legislation. The Attorney General has investigative and enforcement authority and may institute any proceeding involving alleged violations of the sections in this bill in the circuit court of Cole County or any other venue otherwise permitted by law.