

MAINE STATE LEGISLATURE

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2018

L.D. 1890

DATE: 4.5.04

(Filing No. S-496)

HEALTH AND HUMAN SERVICES

Reported by:

MAJORITY

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 736, L.D. 1890, Bill, "An Act To Ensure Disclosure of Prescription Drug Prices"

Amend the bill in section 1 in that part designated "~~S2698-B.~~" in subsection 1 in the 2nd line (page 1, line 8 in L.D.) by inserting after the following: "State" the following: 'under a health program directed or administered by the State'

Further amend the bill in section 1 in that part designated "~~S2698-B.~~" by inserting after subsection 4 the following:

'5. Confidentiality. Except as provided in this subsection, all information provided to the commissioner by a manufacturer of prescription drugs under this section is confidential and may not be disclosed by any person or by the department to any person without the consent of the manufacturer. Disclosure may be made by the department to an entity providing services to the department under this section. Disclosure may be ordered by a court for good cause shown or made in a court filing under seal unless or until otherwise ordered by a court. Nothing in this subsection limits the Attorney General's use of civil investigative demand authority under the Maine Unfair Trade Practices Act to investigate violations of this section.

6. Violation. A violation of this section is a violation of Title 5, section 207 and must be enforced by the Attorney General pursuant to Title 5, section 209.

7. Funding restriction. The department's costs for implementing this section must be met through the use of money

COMMITTEE AMENDMENT

that the Attorney General has acquired as a result of consumer protection litigation involving pharmaceutical pricing or practices. General Fund funding may not be used for the purposes of this section.'

Further amend the bill by inserting after section 1 the following:

'Sec. 2. Contingent effective date; delayed reporting. When the Attorney General acquires funds as a result of consumer protection litigation involving pharmaceutical pricing or practices and the Attorney General designates these funds as being available for the implementation of the Maine Revised Statutes, Title 22, section 2698-B, the Attorney General shall submit a letter to the Commissioner of Human Services that informs the commissioner of these facts. That section of this Act that enacts Title 22, section 2698-B takes effect 30 days after the commissioner receives this letter, except that section 2698-B may not take effect before January 1, 2005. Manufacturers of prescription drugs subject to the provisions of section 2698-B must begin the submission of quarterly reports as required by that section at the end of the first full calendar quarter after the effective date of section 2698-B.'

SUMMARY

This amendment is the majority report of the committee. It restricts application of the bill to manufacturers of prescription drugs dispensed in the State under a health program directed or administered by the State. It adds confidentiality language that prohibits disclosure of information by the department, with exceptions for certain court-related situations. The amendment adds enforcement under the Maine Unfair Trade Practices Act. The amendment prohibits the use of General Fund funds. The amendment delays the effective date of these provisions and the provisions of the bill until 30 days after the Commissioner of Human Services receives notice from the Attorney General that funds are available for the implementation of these provisions, except that the provisions may not take effect before January 1, 2005.

FISCAL NOTE REQUIRED
(See attached)

121st Maine Legislature
Office of Fiscal and Program Review



LD 1890

An Act To Ensure Disclosure of Prescription Drug Prices

LR 2650(02)

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - Other Special Revenue Funds
Potential current biennium revenue increase - Other Special Revenue Funds
Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system

Fiscal Detail and Notes

While the Department of Human Services is expected to incur additional costs in implementing this legislation, the bill does not allow the use of General Fund funding for these costs. The additional workload will not begin until the Attorney General notifies the Department that additional funding is available and has been designated for this purpose. The revenue source identified in the bill is not a predictable source of funding, therefore collections cannot be estimated at this time.