

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1387

S.P. 431

In Senate, March 26, 2019

### **An Act To Increase Access to Safe and Affordable Prescription Drugs**

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Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.  
Cosponsored by Representative DILLINGHAM of Oxford and  
Senators: CLAXTON of Androscoggin, SANBORN, H. of Cumberland, VITELLI of  
Sagadahoc, Representatives: FECTEAU of Biddeford, Speaker GIDEON of Freeport,  
MOONEN of Portland, STEWART of Presque Isle, TEPLER of Topsham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA c. 603-A** is enacted to read:

3 **CHAPTER 603-A**

4 **MAINE PHARMACEUTICAL DRUG SAFETY ACT**

5 **§2699-A. Short title**

6 This chapter may be known and cited as "the Maine Pharmaceutical Drug Safety  
7 Act."

8 **§2699-B. Findings**

9 The Legislature finds that allowing the citizens of the State to import certain  
10 prescription drugs that are branded and registered in Canada, but unapproved by the  
11 United States Department of Health and Human Services, Food and Drug Administration  
12 in the Canadian branded or generic formula, will not present an unreasonable risk to  
13 individuals or public health and will result in a significant reduction in the cost of  
14 necessary drugs for consumers in the State.

15 **§2699-C. Personal importation policy**

16 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
17 following terms have the following meanings.

18 A. "Pharmacy" means a business licensed by Canada to engage in the selling of  
19 prescription drugs at retail.

20 B. "Prescription drug" means a drug required to be reported to a state prescription  
21 monitoring program and includes but is not limited to substances listed in the federal  
22 Controlled Substances Act and unapproved new drugs.

23 C. "Unapproved new drug" means a drug, including a foreign-made version of a  
24 prescription drug, that has not been manufactured in accordance with and pursuant to  
25 United States Department of Health and Human Services, Food and Drug  
26 Administration approval.

27 **2. Importation of prescription drugs.** An individual may import only for the use  
28 of that individual or a member of that individual's immediate family a prescription drug  
29 from a pharmacy in Canada that is allowed to export prescription drugs under Canada's  
30 regulations as long as:

31 A. The drug is clearly for personal use;

32 B. The drug does not present an unreasonable risk to the user;

33 C. No more than a 90-day supply is imported during any 90-day period; and

34 D. The individual or member of the individual's immediate family for whom the drug  
35 is intended possesses a valid prescription for the imported drug.

