

MAINE STATE LEGISLATURE

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MAJORITY

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 314, L.D. 697, "An Act to Direct the Maine Prescription Drug Affordability Board to Assess Strategies to Reduce Prescription Drug Costs and to Take Steps to Implement Reference-based Pricing"

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 5 MRSA §2041, sub-§10, as repealed and replaced by PL 2021, c. 293, Pt. A, §5, is amended to read:

10. Advisory council. A ~~12-member~~ 13-member advisory council is established to advise the board ~~on establishing annual spending targets pursuant to section 2042, subsection 1 and determining methods for meeting those spending targets pursuant to section 2042, subsection 3.~~ The advisory council consists of:

- A. The Governor or the governor's designee;
- B. The Commissioner of Administrative and Financial Services or the commissioner's designee;
- C. The Commissioner of Corrections or the commissioner's designee;
- D. The Commissioner of Health and Human Services or the commissioner's designee;
- E. The Attorney General or the Attorney General's designee;
- F. The Executive Director of Employee Health and Benefits, within the Department of Administrative and Financial Services, Bureau of Human Resources, or the executive director's designee;
- G. A representative from the Maine ~~State~~ Service Employees Association, appointed by the Governor, based on a nomination by the association;
- H. A representative from the Maine Education Association, appointed by the Governor, based on a nomination by the association;
- I. A representative from the Maine Municipal Association, appointed by the Governor, based on a nomination by the association;

COMMITTEE AMENDMENT

1 J. A representative from the University of Maine System, appointed by the Governor,
2 based on a nomination by the system;

3 K. A representative from the Maine Community College System, appointed by the
4 Governor, based on a nomination by the system; ~~and~~

5 L. A representative of consumer interests, appointed by the Governor, who serves a
6 3-year term; and

7 M. A representative of health insurance carriers, appointed by the Governor, who
8 serves a 3-year term.'

9 Amend the bill in section 5 in §2042 in subsection 2 in the first line (page 4, line 3 in
10 L.D.) by inserting after the following: "following" the following: 'prescription drug
11 spending'

12 Amend the bill in section 5 in §2042 in subsection 2 by striking out all of paragraph A
13 (page 4, lines 5 to 19 in L.D.) and inserting the following:

14 '~~A. A public payor's prescription drug spending data, which the 3rd party administrator~~
15 ~~or insurer for the public payor's health plan shall provide to the board on behalf of the~~
16 ~~public payor upon request notwithstanding any provision of law to the contrary,~~
17 ~~including:~~

18 ~~(1) Expenditures and utilization data for prescription drugs for each plan offered~~
19 ~~by a public payor;~~

20 ~~(2) The formulary for each plan offered by a public payor and prescription drugs~~
21 ~~common to each formulary;~~

22 ~~(3) Pharmacy benefit management services and other administrative expenses of~~
23 ~~the prescription drug benefit for each plan offered by a public payor; and~~

24 ~~(4) Enrollee cost sharing for each plan offered by a public payor; and'~~

25 Amend the bill in section 5 in §2042 in subsection 2 in paragraph B in the first line
26 (page 4, line 20 in L.D.) by striking out the following: "1683." and inserting the following:
27 '1683; and'

28 Amend the bill in section 5 in §2042 in subsection 2 by inserting after paragraph B the
29 following:

30 'C. Publicly available data that is available for purchase or for free.'

31 Amend the bill in section 5 in §2042 in subsection 2 in the first blocked paragraph in
32 the first line (page 4, line 21 in L.D.) by inserting before the following: "Prescription" the
33 following: 'If there is additional data required by the board and its staff that is not already
34 available pursuant to paragraphs B and C, the board may recommend that the Maine Health
35 Data Organization adopt rules to collect additional prescription drug spending data,
36 including data relating to the prescription drugs common to each formulary.'

37 Amend the bill by inserting after section 5 the following:

38 '**Sec. 6. 22 MRSA §8712, sub-§6, as enacted by PL 2019, c. 471, §3, is amended**
39 **to read:**

40 **6. Data shared with Maine Prescription Drug Affordability Board. The**
41 **organization may share data collected under this chapter with the Maine Prescription Drug**

ROS

COMMITTEE AMENDMENT "A" to S.P. 314, L.D. 697 (S-154)

1 Affordability Board, established under Title 5, section 12004-G, subsection 14-I, and its
 2 staff as long as any data shared pursuant to this subsection is not further disseminated.'

3 Amend the bill by inserting after section 6 the following:

4 'Sec. 7. **Appropriations and allocations.** The following appropriations and
 5 allocations are made.

6 **OFFICE OF AFFORDABLE HEALTH CARE**

7 **Office of Affordable Health Care Z320**

8 Initiative: Establishes and provides funding for one Public Service Manager III position
 9 and one Comprehensive Health Planner II position to support the Maine Prescription Drug
 10 Affordability Board with strategic direction, government and stakeholder relations,
 11 research, writing and administrative work effective October 1, 2025.

12	GENERAL FUND	2025-26	2026-27
13	POSITIONS - LEGISLATIVE COUNT	2.000	2.000
14	Personal Services	\$189,497	\$264,324
15	All Other	\$3,925	\$4,038
16			
17	GENERAL FUND TOTAL	\$193,422	\$268,362

18 **Office of Affordable Health Care Z320**

19 Initiative: Provides funding for subscriptions and contracts to be used to obtain commercial
 20 drug pricing data and for consulting services to support data analysis.

21	GENERAL FUND	2025-26	2026-27
22	All Other	\$30,000	\$30,000
23			
24	GENERAL FUND TOTAL	\$30,000	\$30,000

26 **OFFICE OF AFFORDABLE HEALTH CARE**
 27 **DEPARTMENT TOTALS**

28		2025-26	2026-27
29	GENERAL FUND	\$223,422	\$298,362
30			
31	DEPARTMENT TOTAL - ALL FUNDS	\$223,422	\$298,362

32

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 34 number to read consecutively.

35 **SUMMARY**

36 This amendment is the majority report of the committee. The amendment makes the
 37 following changes to the bill related to the provisions governing the Maine Prescription
 38 Drug Affordability Board.

39 1. It adds a member representing health insurance carriers to the advisory council to
 40 the Maine Prescription Drug Affordability Board.

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**132nd MAINE LEGISLATURE****LD 697****LR 293(02)****An Act to Direct the Maine Prescription Drug Affordability Board to Assess Strategies to Reduce Prescription Drug Costs and to Take Steps to Implement Reference-based Pricing****Fiscal Note for Bill as Amended by Committee Amendment "A/S-159")
Committee: Health Coverage, Insurance and Financial Services****Fiscal Note Required: Yes**

Fiscal Note

	FY 2025-26	FY 2026-27	Projections FY 2027-28	Projections FY 2028-29
Net Cost (Savings)				
General Fund	\$223,422	\$298,362	\$311,162	\$321,582
Appropriations/Allocations				
General Fund	\$223,422	\$298,362	\$311,162	\$321,582

Fiscal Detail and Notes

This bill includes ongoing General Fund appropriations of \$223,422 in fiscal year 2025-26 and \$298,362 in fiscal year 2026-27 to the Office of Affordable Health Care for one Public Service Manager III position, one Comprehensive Health Planner II position, and related All Other costs to support the Prescription Drug Affordability Board with strategic direction, administrative work, and subscriptions and contracts to be used to obtain commercial drug pricing data and for consulting services to support data analysis effective October 1, 2025.