

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 1053

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H.P. 682

House of Representatives, March 14, 2025

### **An Act to Ensure That Rebates from Prescription Drug Manufacturers Are Passed on to Patients at Pharmacies**

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Received by the Clerk of the House on March 12, 2025. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CLOUTIER of Lewiston.  
Cosponsored by Senator ROTUNDO of Androscoggin and  
Representatives: BECK of South Portland, KUHN of Falmouth, MACIAS of Topsham,  
MURPHY of Scarborough, SALISBURY of Westbrook, SHAGOURY of Hallowell, TERRY  
of Gorham, Senator: GROHOSKI of Hancock.

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

**Sec. 1. 24-A MRSA §4350-A**, as enacted by PL 2019, c. 469, §8 and affected by §9, is amended to read:

**§4350-A. Responsibility to use compensation for benefit of covered persons**

**1. Compensation used to reduce point-of-sale costs, or improve benefits ~~or lower premiums~~.** All compensation remitted by or on behalf of a pharmaceutical manufacturer, developer or labeler, directly or indirectly, to a carrier, or to a pharmacy benefits manager under contract with a carrier, related to its prescription drug benefits must be: remitted directly to the covered person at the point of sale to reduce the out-of-pocket costs to the covered person associated with a particular prescription drug. In implementing this subsection, the superintendent may regulate a carrier or pharmacy benefits manager only to the extent permitted by law.

~~A. Remitted directly to the covered person at the point of sale to reduce the out-of-pocket cost to the covered person associated with a particular prescription drug; or~~

~~B. Remitted to, and retained by, the carrier. Compensation remitted to the carrier must be applied by the carrier in its plan design and in future plan years to offset the premium for covered persons.~~

**2. Compliance.** ~~Beginning March 1, 2021 and annually thereafter~~ Annually by March 1st, a carrier ~~and a pharmacy benefits manager~~ shall file with the superintendent a report in the manner and form determined by the superintendent demonstrating how the carrier ~~or pharmacy benefits manager~~ has complied with this section.

**3. Enforcement.** The superintendent may impose civil penalties and enforcement actions pursuant to section 12-A on a carrier or pharmacy benefits manager that violates this section.

**4. Confidentiality.** Information provided to the superintendent pursuant to this section is confidential and may not be disclosed.

**5. Federal drug discounts.** This section may not be construed to affect discounts that manufacturers must offer to covered entities or to apply to any covered entity under 42 United States Code, Section 256b.

## SUMMARY

This bill removes a provision that requires that compensation remitted by or on behalf of a pharmaceutical manufacturer, developer or labeler to a pharmacy benefits manager be remitted to the carrier if it is not remitted to the covered person. It retains the provision that requires that the compensation be remitted to the covered person to reduce the out-of-pocket costs associated with a prescription drug. It requires pharmacy benefits managers to annually report compliance with this requirement to the Superintendent of Insurance. It authorizes the superintendent to impose civil penalties and take enforcement action for noncompliance by a carrier or pharmacy benefits manager. It designates the information provided as confidential.