

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 4, 2024 to March 21, 2025

FIRST SPECIAL SESSION
March 25, 2025 to June 25, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 20, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
SEPTEMBER 24, 2025

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2025

CHAPTER 483
H.P. 1122 - L.D. 1687

**An Act to Clarify and Increase
Access to HIV Prevention
Medications**

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

Sec. 1. 22 MRSA §3197 is enacted to read:

§3197. Prescribing, dispensing and administering HIV prevention drugs

1. Definition. As used in this section, unless the context otherwise indicates, "HIV prevention drug" has the same meaning as in Title 32, section 13786-E, subsection 1, paragraph B.

2. Reimbursement for pharmacists prescribing, dispensing and administering HIV prevention drugs. No later than January 1, 2027, the department shall provide reimbursement under the MaineCare program to a pharmacist for prescribing, dispensing and administering HIV prevention drugs under Title 32, section 13786-E. The department:

A. Shall provide coverage for services provided by the pharmacist under this subsection;

B. Shall authorize a pharmacist to bill the carrier and receive direct payment for a service under this subsection that the pharmacist provides to a MaineCare member and shall identify the pharmacist as the provider in the billing and the claims process for payment of the service; and

C. May not impose on a pharmacist a practice, education or collaboration requirement that is inconsistent with or more restrictive than a requirement of state law or an agency or board rule for the pharmacist to receive payment for a service provided under this subsection.

3. Reimbursement model. No later than January 1, 2027, the department shall create and implement under the MaineCare program a reimbursement model to increase access to HIV prevention drugs administered under Title 32, section 13786-E.

Sec. 2. 24-A MRSA §4317-D, sub-§2, as enacted by PL 2021, c. 265, §4, is amended to read:

2. Coverage required. A carrier offering a health plan in this State shall provide coverage for an HIV prevention drug that has been prescribed by a provider or that has been prescribed, dispensed and administered by a pharmacist under Title 32, section 13786-E. Coverage under this section is subject to the following.

A. If the federal Food and Drug Administration has approved one or more HIV prevention drugs that use the same method of administration, a carrier is not required to cover all approved drugs as long as

the carrier covers at least one approved drug for each method of administration with no out-of-pocket cost. Notwithstanding this paragraph, a carrier shall provide coverage with no out-of-pocket cost for HIV prevention drugs for the prevention of the acquisition of HIV infection in accordance with a rating of A or B in the recommendations of the United States Preventive Services Task Force or equivalent rating from a successor organization and guidelines issued by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

B. A carrier is not required to cover any preexposure prophylaxis drug or post-exposure prophylaxis drug dispensed or administered by an out-of-network pharmacy provider unless the enrollee's health plan provides an out-of-network pharmacy benefit.

C. A carrier may not prohibit, or permit a pharmacy benefits manager to prohibit, a pharmacy provider from prescribing, dispensing or administering any HIV prevention drugs.

D. A carrier shall authorize a pharmacist to bill the carrier and receive direct payment for a service that the pharmacist provides to an enrollee pursuant to this section and shall identify the pharmacist as the provider in the billing and claims process for payment for the service. A carrier may not impose on a pharmacist, in order for the pharmacist to receive payment for a service provided pursuant to this section, a practice, education or collaboration requirement that is inconsistent with or more restrictive than a requirement of state law or agency or board rules.

Sec. 3. 24-A MRSA §4317-D, sub-§3, as enacted by PL 2021, c. 265, §4, is amended to read:

3. Limits on prior authorization and step therapy requirements. Notwithstanding any requirements in section 4304 or 4320-N to the contrary, a carrier may not subject any HIV prevention drug to any prior authorization or step therapy requirement except as provided in this subsection. If the federal Food and Drug Administration has approved one or more methods of administering HIV prevention drugs, a carrier is not required to cover all of the approved drugs without prior authorization or step therapy requirements as long as the carrier covers at least one approved drug for each method of administration without prior authorization or step therapy requirements. Notwithstanding this subsection, a carrier shall provide coverage without prior authorization or step therapy requirements for HIV prevention drugs for the prevention of the acquisition of HIV infection in accordance with a rating of A or B in the recommendations of the United States Preventive Services Task Force or equivalent rating from a successor organization and guidelines issued by the United

States Department of Health and Human Services, Centers for Medicare and Medicaid Services. If prior authorization or step therapy requirements are met for a particular enrollee with regard to a particular HIV prevention drug, the carrier is required to cover that drug with no out-of-pocket cost to the enrollee.

Sec. 4. 32 MRSA §13786-E, sub-§2, ¶B, as enacted by PL 2021, c. 265, §6, is amended to read:

B. A pharmacist shall dispense or administer a preexposure prophylaxis drug in at least a 30-day supply, and up to a 60-day supply of an oral medication, or in one administration of an injectable medication of any duration, as long as all of the following conditions are met:

- (1) The patient tests negative for HIV infection, as documented by a negative HIV test result obtained within the previous 7 days. If the patient does not provide evidence of a negative HIV test result in accordance with this subparagraph, the pharmacist shall order an HIV test. If the test results are not transmitted directly to the pharmacist, the pharmacist shall verify the test results to the pharmacist's satisfaction. If the patient tests positive for HIV infection, the pharmacist or person administering the test shall direct the patient to a primary care provider and provide a list of primary care providers and clinics within a reasonable travel distance of the patient's residence;
- (2) The patient does not report any signs or symptoms of acute HIV infection on a self-reporting checklist of acute HIV infection signs and symptoms;
- (3) The patient does not report taking any contraindicated medications;
- (4) The pharmacist provides counseling to the patient, consistent with CDC guidelines, on the ongoing use of a preexposure prophylaxis drug. The pharmacist shall notify the patient that the patient must be seen by a primary care provider to receive subsequent prescriptions for a preexposure prophylaxis drug and that a pharmacist may not dispense or administer more than a 60-day supply of a an oral preexposure prophylaxis drug or one administration of an injectable preexposure prophylaxis drug of any duration to a single patient once every 2 years without a prescription;
- (5) The pharmacist documents, to the extent possible, the services provided by the pharmacist in the patient's record in the patient profile record system maintained by the pharmacy. The pharmacist shall maintain records of preexposure prophylaxis drugs dispensed or administered to each patient;

(6) The pharmacist does not dispense or administer more than a 60-day supply of a an oral preexposure prophylaxis drug or one administration of an injectable preexposure prophylaxis drug of any duration to a single patient once every 2 years, unless otherwise directed by a practitioner; and

(7) The pharmacist notifies the patient's primary care provider that the pharmacist completed the requirements specified in this paragraph. If the patient does not have a primary care provider, or refuses consent to notify the patient's primary care provider, the pharmacist shall provide the patient a list of physicians, clinics or other health care providers to contact regarding follow-up care.

Sec. 5. Exemption from review. Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, this Act is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

Sec. 6. Department of Health and Human Services to apply for waiver under Medicaid program. The Department of Health and Human Services shall apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for any amendment to the state Medicaid plan or for any waiver under the state Medicaid program necessary to implement this Act by January 1, 2027.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Provides funding for MaineCare reimbursement to pharmacists for HIV prevention medications.

GENERAL FUND	2025-26	2026-27
All Other	\$0	\$1,470
GENERAL FUND TOTAL	\$0	\$1,470
FEDERAL EXPENDITURES FUND	2025-26	2026-27
All Other	\$0	\$15,591
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$15,591
OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
All Other	\$0	\$1,609
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,609

Office of MaineCare Services 0129

Initiative: Provides one-time funding for technology costs to implement MaineCare reimbursement to pharmacists for HIV prevention medications.

GENERAL FUND	2025-26	2026-27
All Other	\$0	\$42,794
GENERAL FUND TOTAL	\$0	\$42,794
FEDERAL EXPENDITURES FUND	2025-26	2026-27
All Other	\$0	\$131,360
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$131,360
HEALTH AND HUMAN SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2025-26	2026-27
GENERAL FUND	\$0	\$44,264
FEDERAL EXPENDITURES FUND	\$0	\$146,951
OTHER SPECIAL REVENUE FUNDS	\$0	\$1,609
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$192,824

See title page for effective date.

CHAPTER 484

S.P. 686 - L.D. 1768

An Act to Protect Residents of Mobile Home Parks by Amending the Real Estate Transfer Tax

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

Sec. 1. 30-A MRSA §4852, sub-§2, ¶A, as repealed and replaced by PL 1989, c. 48, §§5 and 31, is amended by amending subparagraph (5) to read:

(5) Pay the administrative costs of state public bodies or other public instrumentalities and private, nonprofit corporations directly associated with housing projects; ~~and~~

Sec. 2. 30-A MRSA §4852, sub-§2, ¶A, as repealed and replaced by PL 1989, c. 48, §§5 and 31, is amended by enacting a new subparagraph (5-A) to read:

(5-A) Maintain housing affordability in mobile home parks to support ownership of mobile home parks by mobile home owner's associations, resident-owned housing cooperatives or other nonprofit entities representing the interests of mobile home owners in mobile home parks; and

Sec. 3. 36 MRSA §4641-C, sub-§20, as amended by PL 2017, c. 402, Pt. E, §3 and affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

20. Controlling interests. Transfers of controlling interests in an entity with a fee interest in real property if the transfer of the real property would qualify for exemption if accomplished by deed of the real property between the parties to the transfer of the controlling interest; ~~and~~

Sec. 4. 36 MRSA §4641-C, sub-§21, as enacted by PL 2017, c. 402, Pt. E, §4 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

21. Transfers pursuant to transfer on death deed. Any transfer of real property effectuated by a transfer on death deed pursuant to Title 18-C, Article 6, Part 4; ~~and~~

Sec. 5. 36 MRSA §4641-C, sub-§22 is enacted to read:

22. Certain deeds of mobile home park. Deeds conveying ownership of a mobile home park from its owner to a majority of residents of the park at the time of conveyance who are residents of the State or a mobile home owners' association of the mobile home park organized in this State when the conveyance is made pursuant to Title 10, section 9094-A.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides one-time funding for computer programming costs.

GENERAL FUND	2025-26	2026-27
All Other	\$53,000	\$0
GENERAL FUND TOTAL	\$53,000	\$0

See title page for effective date.

CHAPTER 485

H.P. 1228 - L.D. 1844

An Act to Expand the State's Workforce by Supporting the Transition from Incarceration to Employment

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

Sec. 1. 34-A MRSA §1402, sub-§15 is enacted to read:

15. Reentry services. Within the limits of available resources, the commissioner shall establish and