L.D. 478

DATE: 5-1-01 (Filing No. H-249)

MAJORITY

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 376, L.D. 478, Bill, "An Act to Strengthen the Maine Rx Program"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'**Sec. 1. 22 MRSA §2682** is enacted to read:

§2682. Display of Maine Rx program participation information

A drug dispensed pursuant to prescription, including a drug dispensed without charge to the consumer, must carry program participation information prominently displayed on the label or on the packaging in a manner approved by the commissioner.

1. Exceptions. The requirements of this section do not apply to:

A. A drug dispensed to a consumer who has health coverage that pays part or all of the retail cost of the drug;

B. A generic drug; or

C. A drug of a manufacturer or labeler that has entered into an agreement with the department pursuant to section 2681, subsection 3.

2. Rulemaking. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section

are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

3. Program participation information. The rules must provide for the disclosure of program participation information, including, but not limited to, the following:

A. Notification that the manufacturer or labeler has not entered into an agreement with the Department of Human Services pursuant to section 2681, subsection 3;

B. A warning that the consumer may be paying more for the drug than is paid in other countries, particularly Canada; and

C. Advice to consult a health care provider or pharmacist about access to drugs at lower prices.

4. Separate writing. The requirements of this section may be met by the distribution of a separate writing that is approved by or produced and distributed by the department.

5. Waivers. The rules must provide for waivers to the requirements of this section, particularly when the manufacturer or labeler is negotiating with the commissioner pursuant to section 2681, subsection 3.'

Further amend the bill by inserting at the end before the summary the following:

'FISCAL NOTE

The Department of Human Services will incur some minor additional costs to adopt rules associated with Maine Rx program participation information. These costs can be absorbed within the department's existing budgeted resources.'

SUMMARY

This amendment is the majority report of the committee. It replaces the bill. It limits the provisions of the bill to drugs dispensed to persons without health coverage and to brand name drugs. It allows for a separate writing to meet the requirements of the bill. It clarifies the bill by dividing it into outline form. It also adds a fiscal note to the bill.