MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 478

H.P. 376

House of Representatives, February 1, 2001

Millient M. Mac Failand

An Act to Strengthen the Maine Rx Program.

Reference to the Committee on Health and Human Services suggested and ordered printed.

MILLICENT M. MacFARLAND, Clerk

Presented by Representative COLWELL of Gardiner.

Cosponsored by Senator TREAT of Kennebec and

Representatives: BUMPS of China, FULLER of Manchester, KANE of Saco, LAVERRIERE-BOUCHER of Biddeford, SAVAGE of Buxton, Speaker SAXL of Portland, STANLEY of

Medway, Senator: RAND of Cumberland.

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

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Sec. 1. 32 MRSA §13794, as amended by PL 1999, c. 130, §14, is further amended by adding after the first paragraph a new paragraph to read:

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Every drug dispensed pursuant to prescription, whether for a legend drug or not, for which the manufacturer or labeler has not entered into an agreement pursuant to Title 22, section 2681, subsection 3 must carry Maine Rx Program participation information prominently displayed on the label or on the packaging in a manner approved by the Commissioner of Human Services. That Maine Rx Program participation information must include notification that the manufacturer or labeler has not entered into an agreement with the Department of Human Services pursuant to Title 22, section 2681, subsection 3, a warning that the consumer may be paying more for the drug than is paid in other countries, particularly Canada, and advice to consult a health care provider or pharmacist about access to drugs at lower prices. The Commissioner of Human Services shall adopt rules, which are routine technical rules as defined by Title 5, chapter 375, subchapter II-A, to implement this paragraph. The rules must provide for exceptions and waivers to the requirements of this paragraph, particularly when for the manufacturer or labeler is negotiating with the Commissioner of Human Services pursuant to Title 22, section 2681, subsection 3. For the purposes of this paragraph, the dispensing of drugs includes the distribution of drugs without charge.

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SUMMARY

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This bill provides notice about prescription drug pricing and the Maine Rx Program when prescription drugs are dispensed pursuant to prescription in Maine.