

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1178

S.P. 406

In Senate, March 8, 2005

An Act Regarding Access to Prescription Drugs and Reimportation

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRENNAN of Cumberland.
Cosponsored by Representative BURNS of Berwick and
Senators: MARTIN of Aroostook, MAYO of Sagadahoc, MITCHELL of Kennebec,
STRIMLING of Cumberland, Representatives: MILLER of Somerville, PINGREE of North
Haven, WALCOTT of Lewiston, WEBSTER of Freeport.

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

4 **Sec. 1. 5 MRSA §12004-I, sub-§47-G** is enacted to read:

6 47-G. Maine Save Expenses 22 MRSA
Human Advisory Only §2685,
8 Services Group sub-§3

10 **Sec. 2. 22 MRSA c. 603, sub-c. 1-A** is enacted to read:

12 **SUBCHAPTER 1-A**

14 **MAINE SAVE PROGRAM**

16 **§2685. Maine Save program**

18 The department shall establish the Maine Save program to
20 provide access to prescription drugs through Internet connections
to pharmacies and wholesale providers of prescription drugs for
22 residents of the State who lack comprehensive prescription drug
coverage.

24 1. Definitions. As used in this section, unless the
26 context otherwise indicates, the following terms have the
following meanings.

28 A. "Member" means a person who lacks comprehensive
30 prescription drug coverage and who is enrolled in the
program.

32 B. "Program" means the Maine Save program.

34 2. Access. Access to prescription drugs under the program
36 through the Internet is subject to the requirements of this
subsection.

38 A. The member must show evidence of use of a pharmacist
40 licensed in the State to coordinate all prescriptions and
prevent harmful drug interactions.

42 B. The program must assist consumers by providing access to
44 prescription drugs that a member has taken pursuant to
prescription for at least 15 days prior to use of the
46 program for additional dispensing of that same drug.

48 C. The program may provide access to prescription drugs
from pharmacies and wholesale providers of prescription
drugs located in this country, Canada, Great Britain and
50 Ireland at prices set by the entity that provides the
prescription drugs to the member.

2 D. The program may provide access to prescription drugs
4 that are brand-name drugs and that are packaged in the
original sealed packaging.

6 E. The program may not provide access to prescription drugs
8 that are controlled substances, that are sensitive to
environmental factors such as heat and cold or that are
10 antibiotics for acute illnesses.

12 3. Advisory group. The program must include an advisory
14 group made up of representatives of pharmacists, consumers and
licensed providers of health care authorized to prescribe in the
16 State, all of whom must be appointed by the commissioner. The
advisory group must meet at least twice per year to review the
18 program, consider issues related to access, quality and safety
and advise the commissioner on program design and operation.
20 Members of the advisory group serve as volunteers and are
entitled to reimbursement under Title 5, section 12004-I,
subsection 47-G.

22 4. Testing. The program must include a procedure for
24 random testing of drugs to ensure purity and safety for the
patient.

26 5. Rulemaking. The department shall adopt rules to
28 implement this section, including rules governing member
enrollment. Rules adopted pursuant to this subsection are
30 routine technical rules as defined in Title 5, chapter 375,
subchapter 2-A.

32 SUMMARY

34
36 This bill establishes the Maine Save program to assist
38 consumers by providing access to drugs through Internet
40 connections to pharmacies and wholesale providers of prescription
42 drugs for residents who lack comprehensive prescription drug
44 coverage. The program provides access to brand-name drugs in
46 original sealed packaging. The program does not provide access
48 to drugs that are controlled substances, drugs that are sensitive
50 to environmental factors such as heat or cold or that are
antibiotics for acute illnesses. The program requires the patient
to show evidence of use of a pharmacist licensed in the State to
coordinate all prescriptions and prevent harmful drug
interactions. The program includes an advisory group to review
the program, consider issues related to access, quality and
safety and advise the Commissioner of Health and Human Services
regarding program design and operation. The program includes a
requirement for random testing of drugs. The bill includes

2 authority to adopt rules, which are designated as routine technical rules.