

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1987

H.P. 1392

House of Representatives, January 31, 2006

An Act To Increase Consumer Awareness of Prescription Drug Pricing

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MAKAS of Lewiston.
Cosponsored by Senator MAYO of Sagadahoc and
Representatives: CAMPBELL of Newfield, CANAVAN of Waterville, DAVIS of Falmouth,
GROSE of Woolwich, MILLER of Somerville, PINGREE of North Haven, WALCOTT of
Lewiston, Senator: MARTIN of Aroostook.

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

2 **Sec. 1. 32 MRSA §13783-A** is enacted to read:

3 **§13783-A. Prescription drug price reporting and posting**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. “Chain pharmacy” means a pharmacy licensed in this State that is part of a
7 corporate grouping with 4 or more pharmacies.

8 B. “Director” means the director of the Governor's Office of Health Policy and
9 Finance or the director of a successor agency.

10 C. “Popular drug list” means the 20 most-distributed prescription drugs in this State
11 as determined by the director pursuant to subsection 3.

12 **2. Price list.** Each licensed chain pharmacy shall maintain on its premises in a
13 conspicuous place a list of the drugs on the popular drug list, the retail prices charged for
14 those drugs by that chain pharmacy and, if there are generic equivalents to those drugs
15 that are sold by that chain pharmacy, the names of the generic equivalents and the retail
16 prices charged for those generic equivalents by the chain pharmacy.

17 **3. Duties of director.** The following are the duties of the director.

18 A. The director shall determine which drugs appear on the popular drug list. The
19 director may determine this list by any reliable means using any reliable source,
20 including, but not limited to, the department, the Department of Health and Human
21 Services, the board and the Prescription Drug Advisory Commission.

22 B. The director, on at least a semiannual basis, shall notify each chain pharmacy
23 licensed in this State of the prescription drugs on the popular drug list.

24 C. The director shall receive and compile the information provided by chain
25 pharmacies pursuant to subsection 4.

26 D. The director shall post on a publicly accessible website the following information:

27 (1) The names of the drugs on the popular drug list;

28 (2) The names of the chain pharmacies;

29 (3) The retail prices reported by each chain pharmacy for each of the drugs on
30 the popular drug list; and

31 (4) If there is a generic equivalent to a prescription drug on the popular drug list
32 that is sold by a chain pharmacy, the name of the generic equivalent and the retail
33 price reported by that chain pharmacy for that generic equivalent.

34 The director may allow each chain pharmacy to include a brief statement explaining
35 the prices charged by that chain pharmacy.

36 **4. Report.** On a monthly basis, each chain pharmacy shall report to the director the
37 retail prices charged by the chain pharmacy for the drugs on the popular drug list and, if
38 there is a generic equivalent sold by the chain pharmacy, the name of that generic

1 equivalent and the retail price charged by the chain pharmacy for that generic equivalent.
2 The report must include the name, strength and quantity of each drug.

3 5. Rules. The director shall adopt rules to implement the requirements of this
4 section. Rules adopted pursuant to this subsection are major substantive rules as defined
5 in Title 5, chapter 375, subchapter 2-A.

6 **SUMMARY**

7 This bill requires the director of the Governor's Office of Health Policy and Finance
8 to compile a list of the 20 most-distributed prescription drugs in this State. The director
9 is required to notify at least semiannually each chain pharmacy licensed in this State of
10 the listed drugs. Each chain pharmacy, which is defined as a pharmacy that is part of a
11 corporate grouping with 4 or more pharmacies, is required to report monthly to the
12 director the retail price charged for each of the drugs on the list as well as the retail price
13 charged for a generic equivalent of a drug on the list. Each chain pharmacy is required to
14 post the list in its store along with the prices charged by that chain pharmacy for the drugs
15 on the list and any generic equivalents to those drugs. The director is required to post on
16 a publicly accessible website the list, the names of the chain pharmacies reporting, the
17 prices charged by each chain pharmacy for the listed drugs and the names and prices
18 charged by each chain pharmacy of any generic equivalents to those drugs on the list.