

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2231

H.P. 1591

House of Representatives, February 26, 2008

**An Act To Reduce the Cost of Prescription Drugs Purchased by the
State and Counties by Using Section 340B of the Federal Public
Health Service Act**

(AFTER DEADLINE)

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TREAT of Hallowell.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: BRAUTIGAM of Falmouth, HANLEY of Gardiner, HASKELL of Portland,
JONES of Mount Vernon, MILLETT of Waterford, MILLS of Farmington, PINGREE of
North Haven, Senator: MILLS of Somerset.

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

2 **Sec. 1. 30-A MRSA §1561, sub-§5** is enacted to read:

3 **5. Contract; purchase of prescription drugs.** In contracting for the provision of
4 medical care for a prisoner, a county may contract only with entities that are eligible to
5 participate, and make reasonable efforts to participate, in the purchase of prescription
6 drugs under Section 340B of the federal Public Health Service Act, 42 United States
7 Code, Section 256b (2006).

8 **Sec. 2. 34-A MRSA §3031-C** is enacted to read:

9 **§3031-C. Contract; purchase of prescription drugs**

10 In contracting for the provision of medical care for a client in any correctional or
11 detention facility, the department may contract only with entities that are eligible to
12 participate, and make reasonable efforts to participate, in the purchase of prescription
13 drugs under Section 340B of the federal Public Health Service Act, 42 United States
14 Code, Section 256b (2006).

15 **Sec. 3. Prescription drugs; Department of Health and Human Services.**
16 The Department of Health and Human Services shall coordinate with other state agencies,
17 representatives of state employees and representatives of health care providers and
18 facilities in the State to develop and implement a plan no later than July 1, 2009 to
19 provide prescription drugs through Section 340B of the federal Public Health Service
20 Act, 42 United States Code, Section 256b (2006), for the following, if the costs of
21 implementing such a plan are less than the current cost of providing prescription drugs:

- 22 A. State-funded managed care plans;
- 23 B. MaineCare;
- 24 C. State bulk purchasing initiatives; and
- 25 D. Populations using high-cost chronic care and specialty drugs.

26 **Sec. 4. Prescription drugs; corrections and county jails.** The Department of
27 Corrections shall coordinate with the counties and with the Department of Health and
28 Human Services in developing and implementing a plan by July 1, 2009 to provide
29 prescription drugs through Section 340B of the federal Public Health Service Act, 42
30 United States Code, Section 256b (2006) to inmates and employees in youth correctional
31 facilities, county jails and state prisons.

32 **Sec. 5. Covered entities.** In developing and implementing the plans required in
33 sections 3 and 4 of this Act, the Department of Health and Human Services and the
34 Department of Corrections shall consider all health care providers and facilities in the
35 State potentially eligible for designation as "covered entities" under Section 340B of the
36 federal Public Health Service Act, 42 United States Code, Section 256b (2006), including
37 without limitation all hospitals eligible as disproportionate share hospitals; recipients of

1 grants from the United States Public Health Service; federally qualified health centers;
2 federally qualified look-alikes; state-operated AIDS drug assistance programs; Ryan
3 White CARE Act Title I, Title II and Title III programs; tuberculosis, black lung, family
4 planning and sexually transmitted disease clinics; hemophilia treatment centers; public
5 housing primary care clinics; and clinics for homeless people.

6 **SUMMARY**

7 The purpose of this bill is to reduce the cost of prescription drugs purchased by the
8 State and counties by expanding access to discounted prescription drugs under the federal
9 340B program. The bill:

10 1. Requires that counties and the Department of Corrections contract only with
11 entities that are eligible to participate, and make reasonable efforts to participate, in the
12 purchase of prescription drugs under Section 340B of the federal Public Health Service
13 Act; and

14 2. Directs the Department of Health and Human Services and the Department of
15 Corrections to each develop a plan to maximize access to prescription drugs through
16 Section 340B of the federal Public Health Service Act.