

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 171

Date: 6/7/2013

(Filing No. S-241)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 60, L.D. 171, Bill, "An Act To Facilitate the Licensing of International Mail Order Prescription Pharmacies by the Maine Board of Pharmacy"

Amend the bill by striking out the title and substituting the following:

'An Act To Facilitate the Personal Importation of Prescription Drugs from International Mail Order Prescription Pharmacies'

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

'Sec. 1. 32 MRSA §13731, sub-§1, as enacted by PL 1987, c. 710, §5, is amended to read:

1. Applicability. It is unlawful for any person to engage in the practice of pharmacy unless licensed to practice under this Act; ~~provided, except that physicians, dentists, veterinarians or other practitioners of the healing arts who are licensed under the laws of this State may dispense and administer prescription drugs to their patients in the practice of their respective professions where specifically authorized to do so by law.~~

A. Physicians, dentists, veterinarians or other practitioners of the healing arts who are licensed under the laws of this State may dispense and administer prescription drugs to their patients in the practice of their respective professions where specifically authorized to do so by law;

B. A licensed retail pharmacy that is located in Canada, the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia or New Zealand that meets its country's statutory and regulatory requirements may export prescription drugs by mail or carrier to a resident of this State for that resident's personal use. A licensed retail pharmacy described in this paragraph is exempt from licensure under this Act; and

C. An entity that contracts to provide or facilitate the exportation of prescription drugs from a licensed retail pharmacy described in paragraph B may provide or

COMMITTEE AMENDMENT

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1 facilitate the provision of prescription drugs from that pharmacy by mail or carrier to
2 a resident of this State for that resident's personal use. An entity that provides or
3 facilitates the provision of prescription drugs pursuant to this paragraph is exempt
4 from licensure under this Act.

5 **Sec. 2. 32 MRSA §13799** is enacted to read:

6 **§13799. Consumer choice preserved**

7 Nothing in this chapter may be construed to prohibit:

8 **1. Ordering or receiving prescription drugs.** An individual who is a resident of
9 the State from ordering or receiving prescription drugs for that individual's personal use
10 from outside the United States by mail or carrier from a licensed retail pharmacy
11 described in section 13731, subsection 1, paragraph B or an entity described in section
12 13731, subsection 1, paragraph C; or

13 **2. Dispensing or providing prescription drugs.** A licensed retail pharmacy
14 described in section 13731, subsection 1, paragraph B or an entity described in section
15 13731, subsection 1, paragraph C from dispensing, providing or facilitating the provision
16 of prescription drugs from outside the United States by mail or carrier to a resident of the
17 State for that resident's personal use.'

18 **SUMMARY**

19 This amendment replaces the bill and is the majority report of the committee. It
20 amends the Maine Pharmacy Act to exempt from the licensure requirements of the Act
21 licensed retail pharmacies that are located in Canada, the United Kingdom of Great
22 Britain and Northern Ireland, the Commonwealth of Australia or New Zealand that meet
23 the respective foreign country's statutory and regulatory requirements, as well as entities
24 that contract to provide or facilitate the exportation of prescription drugs from these
25 licensed retail pharmacies, and authorizes these retail pharmacies and entities to provide
26 prescription drugs by mail or carrier to a resident of this State for that resident's personal
27 use.

28 It also amends the Maine Pharmacy Act to provide that nothing in the Act may be
29 construed to prohibit individuals from ordering or receiving prescription drugs for their
30 personal use from licensed retail pharmacies in the above-mentioned countries or
31 contracting entities or to prohibit such a licensed retail pharmacy or contracting entity
32 from dispensing, providing or facilitating the provision of prescription drugs from outside
33 the United States.

34 **FISCAL NOTE REQUIRED**

35 **(See attached)**



126th MAINE LEGISLATURE

LD 171

LR 93(02)

An Act To Facilitate the Licensing of International Mail Order Prescription Pharmacies by the Maine Board of Pharmacy

Fiscal Note for Bill as Amended by Committee Amendment *A' (S-241)*
Committee: Labor, Commerce, Research and Economic Development

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium savings - Multiple Funds

Fiscal Detail and Notes

This bill could allow the State Employee Health Plan to achieve savings estimated at \$3.0 million (all funds) per year for the biennium. These savings would be used to meet the State Employee Health Plan's budgeted premium target for the biennium (i.e., the Governor's 2014-2015 Biennial Budget, LD 1509, proposes a flat premium target for the biennium) and would be distributed across personal services accounts in all programs in the General Fund, Highway Fund and other funds.