

MAINE STATE LEGISLATURE

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8/18/13
R O F S

MINORITY

L.D. 171

Date: 6/7/2013

(Filing No. S-242)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" 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 adding after section 2 the following:

'Sec. 3. 32 MRSA §13721, sub-§4 is enacted to read:

4. Prescription drug importation from Canada. If the United States Secretary of Health and Human Services certifies to Congress that the importation of prescription drugs poses no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer pursuant to 21 United States Code, Section 384 (2013), the board shall by rule establish standards allowing for the personal importation of prescription drugs from Canada by residents of the State. The board shall establish the standards for reciprocal inspection agreements between the board and licensed retail pharmacies in Canada, subject to the following restrictions:

A. An entity that dispenses prescription drugs for personal use pursuant to this subsection may not require a consumer or beneficiary to waive the consumer's or beneficiary's right to bring any cause of action against the entity that is available under state or federal law; and

B. An entity that dispenses prescription drugs for personal use pursuant to this subsection may not require that a cause of action by a resident of this State be brought in a jurisdiction other than this State or the United States District Court for the District of Maine.

The board shall assume any liability for prescription drugs dispensed to a resident of this State by a pharmacy authorized to mail prescription drugs into this State as a result of a

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reciprocal inspection agreement under subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Until certification is granted by the United States Secretary of Health and Human Services pursuant to 21 United States Code, Section 384 (2013), the board shall direct residents of the State that request additional information on the safe importation of prescription drugs through Internet pharmacies to organizations that provide consumers with information from a nationwide partnership for prescription assistance and partnership for safe medicines on how to reduce costs associated with prescription drugs and how to ensure the safety of prescription drugs.

Sec. 4. Contingent effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 32, section 13702-A, subsection 17 and section 13721, subsection 2 do not take effect unless:

1. The United States Secretary of Health and Human Services certifies to Congress that the importation of prescription drugs poses no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer pursuant to 21 United States Code, Section 384 (2013); and

2. The Commissioner of Professional and Financial Regulation notifies the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that the United States Secretary of Health and Human Services has certified to Congress that the importation of prescription drugs poses no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer pursuant to 21 United States Code, Section 384 (2013).

In no event may this Act take effect until 90 days after adjournment of the First Regular Session of the 126th Legislature.'

SUMMARY

This amendment is the minority report of the committee. It amends the bill to provide that, if the United States Secretary of Health and Human Services certifies to Congress that the importation of prescription drugs poses no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer pursuant to 21 United States Code, Section 384 (2013), the Department of Professional and Financial Regulation, Maine Board of Pharmacy is required to establish standards allowing for the personal importation of prescription drugs from Canada by residents of the State. The board is required to establish the standards for reciprocal inspection agreements between the board and licensed retail pharmacies in Canada, subject to the following restrictions: (1) an entity that dispenses prescription drugs for personal use pursuant to these provisions is prohibited from requiring that the consumer or beneficiary waive the right to bring any cause of action against the entity that is available under state or federal law; and (2) an entity that dispenses prescription drugs for personal use pursuant to these provisions is prohibited from requiring that a cause of action by a resident of this State be brought in a jurisdiction other than this State or the United States District Court for the District of Maine. The board is required to assume any liability for prescription drugs dispensed to a resident of this State by a

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1 pharmacy authorized to mail prescription drugs into this State as a result of a reciprocal
2 inspection agreement.

3 It also provides that, until such certification is granted by the United States Secretary
4 of Health and Human Services, the board is required to direct residents of the State that
5 request additional information on the safe importation of prescription drugs through
6 Internet pharmacies to organizations that provide consumers with information from a
7 nationwide partnership for prescription assistance and partnership for safe medicines on
8 how to reduce costs associated with prescription drugs and how to ensure the safety of
9 prescription drugs.

10 It also adds a contingent effective date to the sections of the bill that amend the
11 definition of "mail order prescription pharmacy" and amend provisions regarding
12 reciprocal inspections so that these changes do not take effect unless the United States
13 Secretary of Health and Human Services certifies to Congress that the importation of
14 prescription drugs poses no additional risk to the public's health and safety and will result
15 in a significant reduction in the cost of covered products to the American consumer.

FISCAL NOTE REQUIRED
(See Attached)

COMMITTEE AMENDMENT



Approved: 06/05/13 *MAC*

126th MAINE LEGISLATURE

LD 171

LR 93(03)

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 'B' (242)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Potential future biennium cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Board of Pharmacy within the Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation, to direct residents of the State that request information on the safe importation of prescription drugs through internet pharmacies to organizations that provide information on how to reduce prescription drug costs and ensure the safety of prescription drugs can be absorbed within existing budgeted resources. However, the Board of Pharmacy will incur additional costs to establish the required standards and reciprocal license agreements if the United States Secretary of Health and Human Services provides the required certification to Congress. The impact to the board and the ability of the board to absorb the costs within existing resources can not be determined at this time.