

MAINE STATE LEGISLATURE

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SMG
ROHS

L.D. 1362

Date: 6/18/19

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 984,
L.D. 1362, Bill, "An Act To Fund Opioid Treatment by Establishing an Excise Tax on
Manufacturers of Opioids"

Amend the amendment in section 1 by striking out all of subsections 3 and 4 (page 1,
lines 27 to 34 and page 2, lines 1 to 19 in amendment) and inserting the following:

HCFIS 3. Report. Beginning in 2021, by April 1st of each calendar year, a manufacturer
subject to the tax under Title 36, section 4941 shall report to the department in a form
determined by the department information on opioids made by the manufacturer subject
to the tax that were distributed in the State in the previous calendar year.

4. Rules. The department, in consultation with the Maine Board of Pharmacy under
Title 32, section 13711, shall adopt rules to carry out the purposes of this section. Except
as provided in subsection 3, rules adopted under this subsection are routine technical rules
as defined in chapter 375, subchapter 2-A.'

Amend the amendment in section 2 in §4941 in subsection 1 by inserting at the end
the following:

F. "Unit" means a single finished dosage form of an opioid, such as a pill, tablet,
capsule, suppository, transdermal patch, buccal film, milliliter of liquid, milligram of
topical preparation or any other form of opioid.

G. "Wholesale acquisition cost" means the manufacturer's list price for an opioid unit
to a wholesaler or direct purchaser in the United States, not including prompt pay or
other discounts, rebates or reductions in price, for the most recent month for which
the information is available, as reported in wholesale price guides or other
publications of drug or biological pricing data.'

Amend the amendment in section 2 in §4941 in subsection 2 by striking out all of
paragraphs A and B (page 3, lines 9 and 10 in amendment) and inserting the following:

'A. \$0.0025 per morphine milligram equivalent if the wholesale acquisition cost is
less than 50¢; and

B. \$0.015 per morphine milligram equivalent if the wholesale acquisition cost is 50¢
or more.'

1 Amend the amendment by striking out all of section 3 and inserting the following:

2 **'Sec. 3. Annual report; confidential information.** By January 1, 2020, the
3 Department of Health and Human Services shall adopt major substantive rules pursuant
4 to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A identifying the
5 information that must be provided in the annual report required under Title 5, section
6 20010, subsection 3 and shall consider whether any of the information required in the
7 report should be considered confidential under the Freedom of Access Act because it is
8 proprietary or for other reasons. If the department recommends the collection of
9 information that it recommends should be considered confidential, it shall submit those
10 recommendations to the Legislature at the same time as the provisionally adopted major
11 substantive rules are submitted under Title 5, section 8072, subsection 2. The joint
12 standing committee of the Legislature having jurisdiction over the proposed rule may
13 submit a bill to the Second Regular Session of the 129th Legislature relating to
14 confidentiality of information required under the report that is the subject of the
15 provisionally adopted rules.'

16 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
17 or section number to read consecutively.

18 **SUMMARY**

19 This amendment to the committee amendment strikes the list of information that must
20 be reported annually by a manufacturer of opioids to the Department of Health and
21 Human Services and substitutes a requirement that the department adopt major
22 substantive rules establishing the information that must be reported. The amendment also
23 provides a different method of determining the products subject to the 2 levels of tax
24 specified in the committee amendment and changes elements of the calculation of the
25 rates.

26 **SPONSORED BY:** 

27 (Representative O'NEIL)

28 **TOWN:** Saco