

MAINE STATE LEGISLATURE

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L.D. 1362

Date: 6/19/19

(Filing No. H650)

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

HOUSE AMENDMENT "B" 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:

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.'

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Amend the amendment by inserting before section 3 the following:

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

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

SUMMARY

This amendment is the same as House Amendment "A" to Committee Amendment "A" except that this amendment retains the appropriations and allocations section in Committee Amendment "A," which was removed in error by House Amendment "A" to Committee Amendment "A."

SPONSORED BY: Maggie O'Neil
(Representative O'NEIL)

TOWN: Saco