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Date: 3/4/20

L.D. 2080
(Filing No. H- 715)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1481, L.D. 2080, "Resolve, Regarding Legislative Review of Portions of Chapter 104: Maine State Services Manual, Section 8, Wholesale Prescription Drug Importation Program, a Major Substantive Rule of the Department of Health and Human Services"

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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 104: Maine State Services Manual, Section 8, Wholesale Prescription Drug Importation Program, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. The rule must be amended in Section 8.01 in the last sentence to provide that the department shall submit an application no later than May 1, 2020, and, if the federal rule is not finalized prior to May 1, 2020, that the department shall submit a subsequent or revised application as soon as practicable after finalization of the federal rule.

2. The rule must be amended in Section 8.02 by amending the time allowed for input from between January 1, 2020 and July 1, 2020 to between January 1, 2020 and March 16, 2020 and to allow for additional input from stakeholders as necessary after the federal rule is finalized.

3. The rule must be amended in Section 8.03 to require the department, following the conclusion of the stakeholder input process and as required by Title 5, section 2042, to submit an application to the United States Department of Health and Human Services to establish a state importation program no later than May 1, 2020. The rule must be amended to also require that, if the final federal rule is not released before May 1, 2020, the department shall submit a subsequent or revised application to establish a state importation program as soon as is practicable after the release of the final federal rule. The rule must be amended to also require that, if the department determines further rulemaking is necessary to implement the requirements of the program design, additional rules will be proposed.

COMMITTEE AMENDMENT

1 The Department of Health and Human Services is not required to hold hearings or
2 undertake further proceedings prior to the final adoption of the rule in accordance with
3 this section.'

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

6 **SUMMARY**

7 This amendment provides that final adoption of portions of Chapter 104: Maine State
8 Services Manual, Section 8, Wholesale Prescription Drug Importation Program, a
9 provisionally adopted major substantive rule of the Department of Health and Human
10 Services, is authorized only if the department incorporates certain specific amendments to
11 the rule prior to final adoption.

12 **FISCAL NOTE REQUIRED**

13 (See attached)



129th MAINE LEGISLATURE

LD 2080

LR 3189(02)

Resolve, Regarding Legislative Review of Portions of Chapter 104: Maine State Services Manual, Section 8, Wholesale Prescription Drug Importation Program, a Major Substantive Rule of the Department of Health and Human Services

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-715)
Committee: Health Coverage, Insurance and Financial Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources.