

# MAINE STATE LEGISLATURE

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L.D. 60

Date: 3/5/21

(Filing No. H- 5 )

**HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 26, L.D. 60, "An Act To Clarify the Minimum Amount of Emergency Refills of Insulin"

Amend the bill by inserting before the enacting clause the following:

**'Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** legislation to authorize a pharmacist to provide an emergency refill of insulin was enacted as emergency legislation on March 18, 2020; and

**Whereas,** this legislation clarifies the minimum amount of insulin that may be provided on an emergency basis by a pharmacist and requires notice of the refill to the provider that prescribed the insulin to the patient; and

**Whereas,** it is important for a pharmacist to be able to provide emergency refills of insulin in the minimum amounts permitted by this legislation as soon as possible; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

**'Sec. 1. 32 MRSA §13786-D, sub-§2,** as enacted by PL 2019, c. 666, Pt. B, §1, is amended to read:

**2. Authorization.** As authorized by the board in accordance with rules adopted under subsection 3, a pharmacist may dispense emergency refills of insulin and associated insulin-related devices and supplies by prescription drug order or standing order or pursuant to a collaborative practice agreement authorizing insulin to be dispensed. The insulin dispensed under this subsection must be in a quantity that is ~~the lesser of a 30-day supply and the smallest available package~~ at least a 30-day supply unless the intended

**COMMITTEE AMENDMENT**

BOFS

COMMITTEE AMENDMENT "A" to H.P. 26, L.D. 60

1 recipient requests a lesser quantity upon consultation with the pharmacist. The intended  
2 recipient shall provide evidence of a previous prescription from a practitioner and attest  
3 that a refill of that previous prescription may not be readily or easily obtained under the  
4 circumstances. Upon receiving evidence of a previous prescription from a practitioner, the  
5 pharmacist shall immediately notify that practitioner that an emergency refill of insulin was  
6 dispensed and instruct the recipient to seek follow-up care from the practitioner as soon as  
7 possible.

8 **Sec. 2. 32 MRSA §13786-D, sub-§3**, as enacted by PL 2019, c. 666, Pt. B, §1, is  
9 amended to read:

10 **3. Rules; protocols.** The board by rule shall establish standards for authorizing  
11 pharmacists to dispense insulin in accordance with subsection 2, including ~~adequate~~  
12 ~~training requirements and protocols for dispensing insulin protocols for notifying~~  
13 ~~practitioners when emergency refills of insulin are dispensed.~~ Rules adopted under this  
14 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

15 Amend the bill by adding before the summary the following:

16 **'Emergency clause.** In view of the emergency cited in the preamble, this legislation  
17 takes effect when approved.'

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

20 **SUMMARY**

21 This amendment replaces the bill. The amendment requires a pharmacist to dispense  
22 emergency refills of insulin in at least a 30-day supply unless the intended recipient requests  
23 a lesser quantity upon consultation with the pharmacist. The amendment also requires the  
24 pharmacist to notify the practitioner that provided the previous prescription and to instruct  
25 the recipient to seek follow-up care from the practitioner as soon as possible.

26 The amendment also adds an emergency preamble and emergency clause to the bill.

27 **FISCAL NOTE REQUIRED**

28 (See attached)

**COMMITTEE AMENDMENT**



# 130th MAINE LEGISLATURE

LD 60

LR 33(02)

**An Act To Clarify the Minimum Amount of Emergency Refills of Insulin**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (H-5)**  
**Committee: Health Coverage, Insurance and Financial Services**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Additional costs to the Maine Board of Pharmacy within the Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation, to implement the requirements of this legislation can be absorbed within existing budgeted resources.