

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1776

H.P. 1327

House of Representatives, December 2, 2021

An Act To Allow Pharmacists To Dispense an Emergency Supply of Chronic Maintenance Drugs

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on November 30, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ROEDER of Bangor.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: HARNETT of Gardiner, MILLETT of Cape Elizabeth, OSHER of Orono,
SUPICA of Bangor.

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

3 **Whereas,** obtaining emergency supplies of chronic maintenance drugs is essential to
4 the health and well-being of the citizens of the State; and

5 **Whereas,** insurance coverage for emergency supplies of chronic maintenance drugs
6 is necessary to make obtaining those drugs practical; and

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

11 **Be it enacted by the People of the State of Maine as follows:**

12 **Sec. 1. 24-A MRSA §2768-A** is enacted to read:

13 **§2768-A. Coverage for certain emergency prescription supplies**

14 An individual health insurance policy, contract or certificate must make available
15 coverage for emergency supplies of chronic maintenance drugs dispensed pursuant to Title
16 32, section 13813 in the same manner as coverage for other drugs provided in the policy,
17 contract or certificate.

18 **Sec. 2. 32 MRSA §13813** is enacted to read:

19 **§13813. Dispensing of emergency supplies of chronic maintenance drug**

20 **1. Definition.** For the purposes of this section, "chronic maintenance drug" means a
21 medication prescribed to treat a chronic, long-term condition and that is taken on a regular,
22 recurring basis.

23 **2. Emergency supply.** A pharmacist may sell and dispense an emergency supply of a
24 chronic maintenance drug without a current, valid prescription from a practitioner if the
25 following conditions are satisfied:

26 A. The pharmacy at which the pharmacist is practicing has a record of a prescription
27 for the chronic maintenance drug in the name of the patient who is requesting the
28 emergency supply, including the amount of the drug dispensed as provided in the most
29 recent prescription or the standard unit of dispensing for the drug;

30 B. The pharmacist attempts but is unable to obtain authorization to refill the
31 prescription described in paragraph A from the practitioner who issued the prescription
32 or another practitioner responsible for the patient's care; and

33 C. The chronic maintenance drug is not a controlled substance, including an opioid
34 medication.

35 The pharmacist shall fulfill all documentation and other requirements established by the
36 board when dispensing an emergency supply of a chronic maintenance drug.

37 **3. Rules.** The board shall adopt rules for determining what constitutes a chronic
38 maintenance drug and what reporting procedures are necessary in dispensing an emergency
39 supply of a chronic maintenance drug. Rules adopted by the board pursuant to this
40 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

SUMMARY

This bill allows pharmacists to dispense an emergency supply of a chronic maintenance drug to a patient without a prescription if the pharmacist is unable to obtain authorization to refill the prescription from a health care provider and the pharmacist has a record of the prescription in the name of the patient, including the amount of the drug dispensed in the most recent prescription or the standard unit of dispensing the drug. The bill does not apply to controlled substances, including opioids. The bill requires insurance companies to provide coverage for the emergency supply.