

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

---

Legislative Document

No. 1165

---

H.P. 737

House of Representatives, March 14, 2023

### **An Act to Enhance Cost Savings to Consumers of Prescription Drugs**

---

Reference to the Committee on Health Coverage, Insurance and Financial Services  
suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CRAVEN of Lewiston.  
Cosponsored by Senator BALDACCI of Penobscot and  
Representatives: FREDERICKS of Sanford, GRAHAM of North Yarmouth, JAVNER of  
Chester, MEYER of Eliot, PERRY of Calais, SHAGOURY of Hallowell, Senators:  
INGWERSEN of York, MOORE of Washington.

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

2 **Sec. 1. 24-A MRSA §4350-A**, as enacted by PL 2019, c. 469, §8 and affected by  
3 §9, is amended to read:

4 **§4350-A. Responsibility to use compensation for benefit of covered persons**

5 **1. Compensation used to reduce point-of-sale costs, or improve benefits or lower**  
6 **premiums.** All compensation remitted by or on behalf of a pharmaceutical manufacturer,  
7 developer or labeler, directly or indirectly, to a carrier, or to a pharmacy benefits manager  
8 under contract with a carrier, related to its prescription drug benefits must be: remitted  
9 directly to the covered person at the point of sale to reduce the out-of-pocket costs to the  
10 covered person associated with a particular prescription drug.

11 ~~A. Remitted directly to the covered person at the point of sale to reduce the out-of-~~  
12 ~~pocket cost to the covered person associated with a particular prescription drug; or~~

13 ~~B. Remitted to, and retained by, the carrier. Compensation remitted to the carrier must~~  
14 ~~be applied by the carrier in its plan design and in future plan years to offset the premium~~  
15 ~~for covered persons.~~

16 **2. Compliance.** ~~Beginning March 1, 2021 and annually thereafter~~ Annually by March  
17 1st, a carrier and pharmacy benefits manager shall file with the superintendent a report in  
18 the manner and form determined by the superintendent demonstrating how the carrier or  
19 pharmacy benefits manager has complied with this section.

20 **3. Enforcement.** The superintendent may impose civil penalties and enforcement  
21 actions pursuant to section 12-A on a carrier or pharmacy benefits manager that violates  
22 this section.

23 **4. Confidentiality.** Information provided to the superintendent pursuant to this section  
24 is confidential and may not be disclosed.

25 **SUMMARY**

26 This bill removes a provision that requires that compensation remitted by or on behalf  
27 of a pharmaceutical manufacturer, developer or labeler to a pharmacy benefits manager be  
28 remitted to the carrier if it is not remitted to the covered person. It retains the provision that  
29 requires that the compensation be remitted to the covered person to reduce the out-of-  
30 pocket costs associated with a prescription drug. It requires pharmacy benefits managers  
31 to annually report compliance with this requirement to the Superintendent of Insurance. It  
32 authorizes the superintendent to impose civil penalties and take enforcement action for  
33 noncompliance by a carrier or pharmacy benefits manager. It designates the information  
34 provided as confidential.