

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1395

S.P. 562

In Senate, March 28, 2023

### **An Act to Increase Transparency Regarding Certain Drug Pricing Programs**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator TIPPING of Penobscot.  
Cosponsored by Senator: BAILEY of York, Representatives: MATHIESON of Kittery,  
MORRIS of Turner, SKOLD of Portland.

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

2 **Sec. 1. 22 MRSA §1728** is enacted to read:

3 **§1728. Prescription drug transparency report**

4 Beginning January 1, 2024, each hospital participating in the federal drug program  
5 under section 340b of the federal Public Health Service Act, 42 United States Code, Section  
6 256b shall provide an annual report to the Maine Health Data Organization. The Maine  
7 Health Data Organization shall post the report on a publicly accessible website. For the  
8 purposes of this section, "hospital" has the same meaning as in section 1843, subsection 4.  
9 Each hospital shall report in a standardized format specified by the Maine Health Data  
10 Organization and include the following in the report:

11 **1. Hospital data.** Hospital data separated by the hospital and each off-site clinic  
12 facility associated with the hospital including, but not limited to:

13 A. Total annual revenue from drugs purchased under the 340b program less the  
14 aggregate annual acquisition costs for these drugs;

15 B. Dispensing fees paid to contract pharmacies that the hospital contracts with to  
16 provide services associated with participation in the 340b program;

17 C. Patient mix by payment source including, but not limited to, Medicare, the  
18 MaineCare program, private insurance and uninsured;

19 D. Costs incurred for charity care; and

20 E. Percentage of total revenue less discounts from infusion or injection of  
21 physician-administered drugs purchased through the 340b program, including any  
22 associated items or services provided as part of administering these drugs;

23 **2. Drug data.** Drug data for each hospital and the off-site clinic facility associated  
24 with the hospital from each dispensing site including:

25 A. Name of the drug;

26 B. National drug code;

27 C. Acquisition cost;

28 D. Type of account through which the drug was purchased and the associated 340b  
29 identification number, such as wholesaler, direct from the manufacturer or  
30 consignment;

31 E. Quantity;

32 F. Payer source including, but not limited to, Medicare and the MaineCare program,  
33 and primary, secondary or tertiary source;

34 G. Date of prescription;

35 H. Location where the 340b drug was administered or dispensed;

36 I. Date the drug was administered or dispensed; and

37 J. Compensation received from the sale of the 340b drug, including ingredient cost,  
38 dispensing fee and other compensation; and

