

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

CHAPTER 379

H.P. 376 - L.D. 478

An Act to Strengthen the Maine Rx Program

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

Sec. 1. 22 MRSA §2682 is enacted to read:

§2682. Display of Maine Rx program participation information

A drug dispensed pursuant to prescription, including a drug dispensed without charge to the consumer, must carry program participation information prominently displayed on the label or on the packaging in a manner approved by the commissioner.

1. Exceptions. The requirements of this section do not apply to:

A. A drug dispensed to a consumer who has health coverage that pays part or all of the retail cost of the drug;

B. A generic drug; or

C. A drug of a manufacturer or labeler that has entered into an agreement with the department pursuant to section 2681, subsection 3.

2. Rulemaking. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

3. Program participation information. The rules must provide for the disclosure of program participation information, including, but not limited to, the following:

A. Notification that the manufacturer or labeler has not entered into an agreement with the Department of Human Services pursuant to section 2681, subsection 3;

B. A warning that the consumer may be paying more for the drug than is paid in other countries, particularly Canada; and

C. Advice to consult a health care provider or pharmacist about access to drugs at lower prices.

4. Separate writing. The requirements of this section may be met by the distribution of a separate writing that is approved by or produced and distributed by the department.

5. Waivers. The rules must provide for waivers to the requirements of this section, particularly when the manufacturer or labeler is negotiating with the commissioner pursuant to section 2681, subsection 3.

See title page for effective date.

CHAPTER 380

S.P. 579 - L.D. 1757

An Act to Encourage Savings for Higher Education

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

Sec. 1. 20-A MRSA §11473, sub-§3, as enacted by PL 1997, c. 732, §4, is amended to read:

3. Application of program fund. Money in the program fund may be applied to carry out any power of the authority under or in connection with this chapter. All money in the program fund must be continuously applied by the authority to carry out this chapter and for no other purpose. Assets of the program fund must at all times be preserved, invested and expended only for the purposes of the program and must be held for the benefit of the participants and beneficiaries, including the refunding of fees paid by participants or any class of participants, the matching of contributions made by participants or any class of participants or the use of funds to provide scholarships to program account beneficiaries who attend institutions of higher education whether or not in the State. Assets may not be transferred or used by the State or the authority for any purposes other than the purposes of the program. All amounts in the program fund, except for contributions and program earnings that have been credited to an account, may be used by the authority to pay the administrative costs of the program and program fund, as determined by the authority.

Sec. 2. 20-A MRSA §11475, sub-§3, as enacted by PL 1997, c. 732, §4, is amended to read:

3. Designation of beneficiaries. ~~—A Except for accounts opened by a state or local governmental entity or charitable organization, an application or participation agreement must designate the name and date of birth of the beneficiary. —A beneficiary designated in a participation agreement may be designated from date of birth to an age the authority may require by rule.~~

Sec. 3. 20-A MRSA §11478, sub-§3-A is enacted to read: