

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

See title page for effective date.

CHAPTER 514

S.P. 253 - L.D. 704

An Act To Improve the Availability of Mail-in Rebates in the State

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

Sec. 1. 28-A MRSA §708, sub-§6, as amended by PL 2009, c. 145, §1, is further amended to read:

6. Marketing and mail-in promotions. Upon approval by the commission, promotional materials, ~~including mail-in rebates~~, designed to encourage a consumer to purchase a spirits product to be attached to or displayed near the spirits product where it is offered for sale for off-premises consumption may be offered by those whose spirits products are listed by the commission. Upon approval by the commission, a mail-in rebate may be provided to consumers through print or electronic media, attached to the spirits product or displayed near the spirits product where the spirits product is offered for sale for off-premises consumption. Mail-in rebates approved by the commission must be redeemed by the manufacturer and not by the retail licensee and may not exceed the purchase price of the spirits product. Mail-in rebates authorized by this subsection must require the inclusion of the original dated sales receipt for the spirits product to which the rebate is applied. Mail-in rebates, certificates or merchandise included with a spirits product must be inserted in the package or attached to the package by the manufacturer.

Sec. 2. 28-A MRSA §708, first ¶, as amended by PL 2009, c. 145, §1, is further amended to read:

This section does not prohibit a certificate of approval holder from including ~~a mail-in offer~~, a certificate, instant redeemable coupon or merchandise in or on a package of beer, wine or low-alcohol spirits for sale by an off-premise retailer. The package containing the ~~mail-in offer~~, certificate, instant redeemable coupon or merchandise must be packaged by the certificate of approval holders at the brewery or winery. Upon approval of the bureau, a certificate of approval holder may offer a mail-in rebate for a malt liquor, wine or low-alcohol spirits product for consumers through print or electronic media, attached to the package of malt liquor, wine or low-alcohol spirits product or displayed near where the malt liquor, wine or low-alcohol spirits product is offered for sale for off-premises consumption. Mail-in rebates authorized by this paragraph must require the inclusion of the

original dated sales receipt for the product to which the rebate is applied. Mail-in rebates must be redeemed by the certificate of approval holder and may not exceed the purchase price of the malt liquor, wine or low-alcohol spirits product to which the rebate is applied.

Sec. 3. Effective date. This Act takes effect January 1, 2015.

Effective January 1, 2015.

CHAPTER 515

S.P. 633 - L.D. 1642

An Act To Clarify the Law Governing Public Disclosure of Health Care Prices

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

Sec. 1. 22 MRSA §1718-A, as enacted by PL 2013, c. 332, §1 and affected by §3, is repealed.

Sec. 2. 22 MRSA §1718-B is enacted to read:

§1718-B. Consumer information regarding health care entity prices

This section applies to the disclosure of health care prices by a health care entity.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Frequently provided health care services and procedures" means those health care services and procedures that were provided by the health care entity at least 50 times in the preceding calendar year.

B. "Health care entity" means a health care practitioner, as defined in section 1711-C, subsection 1, paragraph F; a group of health care practitioners; or a health care facility, as defined in section 1711-C, subsection 1, paragraph D, that charges patients for health care services and procedures. A health care entity does not include a pharmacy or a pharmacist.

2. Requirements. The following requirements apply to health care entities.

A. A health care entity shall have available to patients the prices of the health care entity's most frequently provided health care services and procedures. The prices stated must be the prices that the health care entity charges patients directly when there is no insurance coverage for the services or procedures or when reimbursement by an insurance company is denied. The prices stated

must be accompanied by descriptions of the services and procedures and the applicable standard medical codes or current procedural technology codes used by the American Medical Association.

B. A health care entity shall inform patients about the availability of prices for the most frequently provided health care services and procedures.

C. A health care entity shall prominently display in a location that is readily accessible to patients information on the price transparency tools available from the publicly accessible website of the Maine Health Data Organization established pursuant to chapter 1683 to assist consumers with obtaining estimates of costs associated with health care services and procedures.

A health care entity that does not routinely render services directly to patients in an office setting may satisfy this subsection by providing the information on its publicly accessible website.

See title page for effective date.

CHAPTER 516

H.P. 1245 - L.D. 1739

An Act To Amend the Maine Medical Use of Marijuana Act

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

Sec. 1. 22 MRSA §2422, sub-§1-B is enacted to read:

1-B. Certified nurse practitioner. "Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing.

Sec. 2. 22 MRSA §2422, sub-§4-C is enacted to read:

4-C. Medical provider. "Medical provider" means a physician or a certified nurse practitioner.

Sec. 3. 22 MRSA §2422, sub-§9, as amended by PL 2011, c. 407, Pt. B, §10, is further amended to read:

9. Qualifying patient. "Qualifying patient" or "patient" means a person who has been diagnosed by a physician medical provider as having a debilitating medical condition and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

Sec. 4. 22 MRSA §2422, sub-§14, as amended by PL 2011, c. 407, Pt. B, §14, is further amended to read:

14. Prepared marijuana. "Prepared marijuana" means the dried leaves and flowers and the by-products of the dried leaves and flowers of the marijuana plant that require no further processing and any mixture or preparation of those dried leaves and flowers and by-products, including but not limited to tinctures, ointments and other preparations, but does not include the seeds, stalks, leaves that are disposed of and not dried for use and roots of the plant and does not include the ingredients, other than marijuana, in tinctures, ointments or other preparations that include marijuana as an ingredient or food or drink prepared with marijuana as an ingredient for human consumption.

Sec. 5. 22 MRSA §2422, sub-§16, as amended by PL 2011, c. 407, Pt. B, §15, is further amended to read:

16. Written certification. "Written certification" means a document on tamper-resistant paper signed by a physician medical provider, that expires ~~in~~ within one year and that states that in the physician's medical provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. A written certification may be made only in the course of a bona fide physician-patient medical provider-patient relationship after the physician medical provider has completed a full assessment of the qualifying patient's medical history.

Sec. 6. 22 MRSA §2423-A, sub-§2, ¶C, as enacted by PL 2009, c. 631, §21 and affected by §51, is amended to read:

C. Assist ~~no more than~~ a maximum of 5 patients at any one time with who have designated the primary caregiver to cultivate marijuana for their medical use of marijuana;

Sec. 7. 22 MRSA §2423-A, sub-§2, ¶G, as amended by PL 2013, c. 371, §1; c. 393, §1 and c. 396, §5, is further amended to read:

G. Prepare food as defined in section 2152, subsection 4 containing marijuana, including tinctures of marijuana, for medical use by a qualifying patient pursuant to section 2152, subsection 4-A and section 2167;

Sec. 8. 22 MRSA §2423-B, as repealed and replaced by PL 2011, c. 407, Pt. B, §17, is amended to read: