# LAWS

## OF THE

# STATE OF MAINE

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**
**SECOND SPECIAL SESSION**
**NON-EMERGENCY LAWS IS**
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**
**FIRST REGULAR SESSION**
**NON-EMERGENCY LAWS IS**
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**PUBLISHED BY THE REVISOR OF STATUTES**
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine**
**2019**

## CHAPTER 33

## S.P. 134 - L.D. 456

### An Act To Strengthen the Qualifications for County Sheriffs

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

**Sec. 1. 30-A MRSA §371-B, sub-§3, ¶E,** as enacted by PL 2011, c. 342, §34, is amended to read:

E. The candidate swears to or affirms that the candidate has at least ~~5~~ 2 years of supervisory employment experience in law enforcement or corrections or a combination of both and submits the name, address and telephone number for the relevant employer or employers.

See title page for effective date.

## CHAPTER 34

## H.P. 480 - L.D. 659

### An Act Regarding the Use of Interchangeable Biological Products

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

**Sec. 1. 32 MRSA §13702-A, sub-§1-A** is enacted to read:

**1-A. Biological product.** "Biological product" has the same meaning as in 42 United States Code, Section 262.

**Sec. 2. 32 MRSA §13702-A, sub-§14-A** is enacted to read:

**14-A. Interchangeable biological product.** "Interchangeable biological product" means a biological product that the federal Food and Drug Administration has:

A. Licensed and determined meets the standards for interchangeability pursuant to 42 United States Code, Section 262(k)(4); or

B. Determined is therapeutically equivalent as set forth in the most recent edition of or supplement to the federal Food and Drug Administration's "Approved Drug Products with Therapeutic Equivalence Evaluations" or a successor publication.

**Sec. 3. 32 MRSA §13702-A, sub-§31-A** is enacted to read:

**31-A. Proper name.** "Proper name," as it relates to a biological product, means the nonproprietary name for a biological product designated by the federal Food and Drug Administration for use on each package of the product.

**Sec. 4. 32 MRSA §13781,** as amended by PL 2007, c. 85, §§1 and 2, is further amended to read:

**§13781. Generic and therapeutically equivalent substitution**

A written prescription issued by a practitioner in this State may contain a box in the lower right-hand corner of the prescription form. The following words must appear to the left of this box: "Any drug ~~which~~ that is the generic and therapeutic equivalent of the drug or any biological product that is an interchangeable biological product of the biological product specified above in this prescription must be dispensed, provided that no check mark ( ) has been handwritten in the box in the lower right-hand corner."

Except with regard to a patient who is paying for a drug or biological product with the patient's own resources, any pharmacist receiving a prescription in which no handwritten check mark ( ) is found in the box provided shall substitute a generic and therapeutically equivalent drug for the drug or an interchangeable biological product for the biological product specified on the prescription if the substituted drug or interchangeable biological product is distributed by a business entity doing business in the United States that is subject to suit and the service of legal process in the United States and the price of the substituted drug or interchangeable biological product does not exceed the price of the drug or biological product specified by the practitioner; except that, when the cost of a prescription is to be reimbursed under the MaineCare program pursuant to Title 22, chapter 855, the pharmacist shall substitute a generic and therapeutically equivalent drug or an interchangeable biological product only when the Department of Health and Human Services has determined that the substitute drug or interchangeable biological product would be a more cost-effective alternative than the drug or biological product prescribed by the practitioner. Except for prescribed drugs listed under the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 United States Code, Section 812, as amended, as Schedule II drugs, with regard to a patient who is paying for a drug or biological product with the patient's own resources, a pharmacist shall inquire about the patient's preference for either the brand-name drug or generic and therapeutically equivalent drug or for either the prescribed biological product or interchangeable biological product and dispense the drug or biological product that the patient prefers.

Except with regard to a patient who is paying for a drug or biological product with the patient's own resources, if a written prescription issued by a practitioner in this State does not contain the box described in this section, a pharmacist shall substitute a generic