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
SEPTEMBER 19, 2019

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 472
S.P. 392 - L.D. 1272

An Act To Increase Access to Low-cost Prescription Drugs

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

Sec. 1. 5 MRSA c. 167 is enacted to read:

CHAPTER 167

WHOLESALE PRESCRIPTION DRUG IMPORTATION PROGRAM

§2041. Authorization

The Wholesale Prescription Drug Importation Program, referred to in this chapter as "the program," is established to provide for the wholesale importation of prescription drugs from Canada by or on behalf of the State. The program must be designed in accordance with the requirements of this chapter. The program may not be implemented unless the State obtains approval and certification, pursuant to section 2042, subsection 3, from the United States Department of Health and Human Services.

§2042. Design of program

1. Design requirements. The Department of Health and Human Services, in consultation with appropriate federal and other state agencies, other states and interested parties, shall design the program to comply with the applicable requirements of 21 United States Code, Section 384, including requirements regarding safety and cost savings. The program design must:

A. Designate a state agency to become a licensed drug wholesaler or to contract with a licensed drug wholesaler in order to seek federal certification and approval, pursuant to section 2042, subsection 3, to import safe prescription drugs and provide cost savings to consumers in the State;

B. Use prescription drug suppliers in Canada regulated under the laws of Canada or of one or more Canadian provinces, or both;

C. Ensure that only prescription drugs meeting the federal Food and Drug Administration's safety, effectiveness and other standards are imported by or on behalf of the State;

D. Import only those prescription drugs expected to generate substantial cost savings for consumers in the State;

E. Ensure that the program complies with the transaction and tracing requirements of 21 United States Code, Sections 360eee and 360eee-1 to the extent feasible and practical prior to imported prescription drugs coming into the possession of the licensed drug wholesaler and that the program complies fully with those federal requirements after imported prescription drugs are in the possession of the licensed drug wholesaler;

F. Consider whether the program may be developed on a multistate basis through collaboration with other states;

G. Prohibit the distribution, dispensing or sale of imported prescription drugs outside of the State;

H. Recommend a charge per prescription or another method of financing to ensure that the program is adequately funded in a manner that does not jeopardize significant cost savings to consumers, including adequate funding for the initial start-up costs of the program;

I. Apply for and receive funds, grants or contracts from public and private sources; and

J. Include an audit function.

2. Rules. The Department of Health and Human Services shall adopt rules to design the program in accordance with the requirements of subsection 1 no later than January 1, 2020. Rules adopted pursuant to this subsection are major substantive rules as defined in chapter 375, subchapter 2-A.

3. Request for federal approval and certification. The Department of Health and Human Services shall submit a request for approval and certification of the program to the United States Department of Health and Human Services no later than May 1, 2020.

§2043. Implementation

1. Implementation; operation. Upon receipt of federal approval and certification under section 2042, subsection 3, the state agency designated to oversee the program pursuant to this chapter shall implement the program as required in subsection 2. The program must begin operating no later than 6 months following receipt of federal approval and certification.

2. Requirements. Prior to operating the program, the state agency designated to oversee the program pursuant to this chapter shall:

A. Become a licensed drug wholesaler or enter into a contract with a licensed drug wholesaler in the State;

B. Contract with one or more distributors licensed in the State;

C. Contract with one or more licensed and regulated prescription drug suppliers in Canada;

D. Consult with health insurance carriers, employers, pharmacies, pharmacists, health care providers and consumers;

E. Develop a registration process for health insurance carriers, pharmacies and health care pro-

viders authorized to prescribe and administer prescription drugs that are willing to participate in the program;

F. Create a publicly accessible website for listing the prices of prescription drugs to be imported under the program;

G. Create an outreach and marketing plan to generate public awareness of the program;

H. Provide a telephone hotline to answer questions and address needs of consumers, employers, health insurance carriers, pharmacies, health care providers and others affected by the program;

I. Develop a 2-year audit work plan; and

J. Conduct any other activity determined necessary to successfully implement and operate the program.

§2044. Annual reporting

Beginning January 2021, and annually thereafter, the Department of Health and Human Services, or other state agency designated to oversee the program pursuant to this chapter, shall report to the joint standing committee of the Legislature having jurisdiction over health coverage and prescription drugs regarding the implementation and operation of the program during the previous calendar year, including:

1. Prescription drugs included. The prescription drugs included in the program;

2. Participation. The number of participating pharmacies, health care providers and health insurance carriers;

3. Prescriptions dispensed. The number of prescription drugs dispensed through the program;

4. Estimated savings. The estimated cost savings to consumers, health insurance carriers, employers and the State during the previous calendar year and to date;

5. Audit findings. Information regarding implementation of the audit work plan and audit findings; and

6. Other relevant information. Any other information the Department of Health and Human Services, or other state agency designated to oversee the program pursuant to this chapter, considers relevant.

See title page for effective date.

CHAPTER 473
S.P. 535 - L.D. 1658

An Act To Clarify the Definition of "Public Works"

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

Sec. 1. 26 MRSA §1304, sub-§8, as amended by PL 2009, c. 453, §1, is further amended to read:

8. Public works. "Public works" includes public schools and all buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, demolition, waterworks, airports and all other structures upon which construction ~~may be let to contract by the State and which~~ is funded in whole or in part by state funds and for which the contract amounts to $50,000 or more.

See title page for effective date.

CHAPTER 474
H.P. 947 - L.D. 1304

An Act To Ease Financial Burdens for Juveniles Involved in the Justice System

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

Sec. 1. 15 MRSA §3313, sub-§2, ¶F, as enacted by PL 1977, c. 520, §1, is amended to read:

F. The juvenile has made or has agreed to ~~make~~ pay restitution to the victim of ~~his~~ the juvenile's conduct for the damage or injury that the victim sustained in an amount that the court has determined is within the juvenile's ability to pay pursuant to section 3314-C;

Sec. 2. 15 MRSA §3314, sub-§1, ¶E, as amended by PL 2019, c. 113, Pt. C, §46, is further amended to read:

E. The court may require the juvenile to ~~make~~ pay restitution ~~for any damage to the victim or other authorized claimant as compensation for economic loss upon reasonable conditions that the court determines appropriate. For the purposes of this paragraph, the provisions of Title 17-A, chapter 69 apply, except that section 2015 does not apply. Enforcement of a restitution order is available pursuant to subsection 7. If the restitution was a condition of probation, the attorney for the State may, with written consent of the juvenile community corrections officer, file a motion to revoke probation~~ pursuant to section 3314-C.