

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

CHAPTER 606
S.P. 520 - L.D. 1636

**An Act To Determine Potential
Savings in Prescription Drug
Costs by Using International
Pricing**

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

Sec. 1. 22 MRSA c. 1683, sub-c. 4 is enacted to read:

SUBCHAPTER 4

INTERNATIONAL REFERENCED RATE PRICING FOR PRESCRIPTION DRUGS

§8741. International referenced rate pricing

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

A. "Manufacturer" has the same meaning as in section 8731, subsection 3.

B. "Prescription drug" has the same meaning as in section 8731, subsection 3-A.

C. "Referenced rate" means the maximum rate established using the wholesale acquisition cost and other pricing data described in subsection 2, paragraph B.

D. "Wholesale acquisition cost" has the same meaning as in section 8731, subsection 6.

2. Referenced rates determined. The following provisions govern the determination of referenced rates of prescription drugs.

A. Based on the payments reported in the organization's claims database, the organization shall identify the 100 most costly prescription drugs and the 100 most frequently prescribed prescription drugs in the State, the manufacturers of those drugs and the average wholesale acquisition cost for each drug for the most current 12-month period.

B. To the extent possible, the organization, in conjunction with the Maine Prescription Drug Affordability Board established in Title 5, section 12004-G, subsection 14-I, shall determine the referenced rate for each drug identified in paragraph A by comparing the wholesale acquisition cost to the cost in official publications of the governments of the Canadian provinces of Ontario, Quebec, British Columbia and Alberta. The referenced rate for each prescription drug must be calculated as the lowest cost among the resources described in this paragraph and the wholesale acquisition cost for the most recent 12-month period. If a specific drug identified in paragraph A is not included within the

resources described in this paragraph, the organization shall use for the purpose of determining the referenced rate the ceiling price for drugs as reported in other official publications of the government of Canada.

C. For each drug identified in paragraph A, the organization shall determine the potential savings that could be achieved by subjecting those drugs to the referenced rate as calculated pursuant to paragraph B. The savings must be determined based on the payments reported in the organization's claims database for the most current 12-month period.

3. Reporting. By January 1, 2023, and annually thereafter, the organization shall produce and post on its publicly accessible website a report including the information required under subsection 2. The organization shall submit the report required by this subsection to the Office of Affordable Health Care established in Title 5, section 3122, the Maine Prescription Drug Affordability Board established in Title 5, section 12004-G, subsection 14-I and the joint standing committee of the Legislature having jurisdiction over health data reporting and prescription drug matters. The joint standing committee of the Legislature having jurisdiction over health data reporting and prescription drug matters may report out legislation based on the report to the first regular or second regular session of the Legislature, depending on the year in which the report is submitted.

See title page for effective date.

CHAPTER 607
S.P. 619 - L.D. 1782

**An Act Regarding
Contributing to Candidates
and Political Action
Committees**

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

Sec. 1. 21-A MRSA §1015, sub-§2, as repealed and replaced by PL 2021, c. 274, §5 and affected by §13, is amended to read:

2. Contributions by party committees, ballot question committees and political action committees. Except as provided in paragraph A, a ballot question committee, a party committee under section 1013-A, subsection 3, a political action committee and any other committee may not make contributions to a candidate.

A. A party committee under section 1013-A, subsection 3, a ballot question committee, a leadership political action committee, a separate segregated fund committee, a caucus political action committee and any other political action committee may