

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

## *Joint Standing Committee on Health and Human Services*

birth defects, reproductive or developmental harm and directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to study ways to eliminate infant exposure to these chemicals and report back to the Legislature by December 15, 2007.

**LD 838      An Act Protecting the Confidentiality of Prescription Information**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	ONTP MAJ OTP-AM MIN	

This bill extends the privacy of prescription drug information from individuals to prescribers and clarifies that privacy applies to certain regulated transactions. In addition it extends the law to cover transfers of information by pharmacies and administrators for health plans. The bill provides exceptions for transfers related to dispensing prescription drugs, patient care, pharmacy reimbursement, utilization review, formulary and prior authorization compliance, care management, changes in pharmacy ownership, the Controlled Substances Prescription Monitoring Program and data that cannot be used to identify the individual or the provider. It removes the exception for disclosures expressly permitted by the Maine Revised Statutes, Title 22, section 1711-C; Title 24; Title 24-A; and the federal Health Insurance Portability and Accountability Act.

See also LD 4, enacted as Public Law 2007, chapter 460.

**LD 839      An Act To Establish a Prescription Drug Academic Detailing Program**

**PUBLIC 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT SCHNEIDER	OTP-AM	H-549

This bill establishes within the Department of Health and Human Services the prescription drug academic detailing program to enhance the health of residents of the State, to improve the quality of decisions regarding drug prescribing, to encourage better communication between the department and health care practitioners participating in publicly funded health programs and to reduce the health complications and unnecessary costs associated with inappropriate drug prescribing. The bill requires the department to investigate initially establishing the program collaboratively with the states of New Hampshire and Vermont. The bill requires the department to review and evaluate use of the educational and assessment materials developed by the Commonwealth of Pennsylvania for the prescription drug academic detailing program that involved the cooperative work of that state and Harvard Medical School and to consider adopting the Pennsylvania program as a starting point for the program. The bill coordinates the prescription drug academic detailing program with the department's public education initiative on prescription drug clinical trials and drug safety information and transfers one half of the annual revenues under the Maine Revised Statutes, Title 22, section 2700-A, subsection 4 for the use of the prescription drug academic detailing program.

**Committee Amendment "A" (H-549)**

This amendment is the majority report of the committee. The amendment clarifies that the basis for academic detailing is peer-reviewed scientific, medical and academic research publications. The amendment adds the requirement that academic detailers observe standards of conduct consistent with certain federal Food and Drug Administration and Office of the Inspector General requirements. The amendment clarifies that the Department of Health and Human Services may adopt routine technical rules to implement the prescription drug academic detailing program. The amendment also adds an appropriations and allocations section.

# Joint Standing Committee on Health and Human Services

## Enacted Law Summary

Public Law 2007, chapter 327 directs the Department of Health and Human Services to establish a program to provide a scientifically-based drug information program to drug prescribers. The program will be coordinated within the clinical trials and drug safety programs in DHHS.

### LD 859      **An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores**

**PUBLIC 180**

Sponsor(s)

TURNER

Committee Report

OTP

Amendments Adopted

This bill limits the exemption granted to tobacco specialty stores from the public place smoking prohibition. The bill provides that the on-premises service, preparation or consumption of food or drink, if the tobacco specialty store is not licensed for such service or consumption prior to January 1, 2007, is prohibited in such a store. It also provides that smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is newly licensed or that requires a new license after January 1, 2007.

## Enacted Law Summary

Public Law 2007, chapter 180 limits the exemption granted to tobacco specialty stores from the public place smoking prohibition. The law provides that the on-premises service, preparation or consumption of food or drink, if the tobacco specialty store is not licensed for such service or consumption prior to January 1, 2007, is prohibited in such a store. It also provides that smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is newly licensed or that requires a new license after January 1, 2007.

### LD 880      **An Act To Increase the Amount of Money a Resident in a Nursing Home May Spend on Personal Expenses**

**DIED ON  
ADJOURNMENT**

Sponsor(s)

SNOWE-MELLO

Committee Report

OTP-AM

Amendments Adopted

S-39

This bill increases the amount of money a nursing home resident may retain for personal expenses.

## Committee Amendment "A" (S-39)

This amendment adds a section to the bill, providing a General Fund appropriation for the state share of MaineCare costs and an allocation for matching federal funds.

This bill died in the Senate on adjournment.

See also LD 652.

### LD 883      **An Act To Allow a Self-pay Patient To Choose between Generic and Brand-name Medications**

**PUBLIC 85**

Sponsor(s)

ROSEN R

Committee Report

OTP-AM

Amendments Adopted

S-40