

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

August 2017

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Health and Human Services

and naloxone hydrochloride distribution.

Committee Amendment "B" (H-294)

This amendment is the minority report of the committee. It removes the provisions in the bill that decriminalize possession of a hypodermic apparatus. It returns to the Department of Health and Human Services rule-making authority over establishing community-based drug overdose prevention programs, which is removed in the bill. It directs the department to provisionally adopt rules regarding community-based drug overdose prevention programs by January 15, 2018. It removes from the bill the appropriation for syringe exchange programs and naloxone hydrochloride distribution.

This amendment was not adopted.

LD 1329 An Act To Allow Tobacco Retail Establishments To Serve Alcohol

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J SAVIELLO T		

This bill allows the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to issue licenses to tobacco retail establishments to sell spirits, wine and malt liquor for consumption on the premises of those establishments.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1363 Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a Late-filed Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 16
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-477

This resolve provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Committee Amendment "A" (H-477)

This amendment provides that the Department of Health and Human Services may finally adopt portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a provisionally adopted major substantive rule that was filed outside the legislative rule acceptance period, only if the rule is modified.

The first required modification is to the routine technical portions of the rule establishing Exemption Code A for active and aftercare cancer treatment. The exemption code in the rule must be amended to remove the six-month limit for aftercare cancer treatment post remission.

The second required modification is to the routine technical portions of the rule establishing Exemption Code H for circumstances when an individual is prescribed a second opioid after proving unable to tolerate a first opioid. The exemption code in the rule must be amended so that the individual is not required to return the initial prescription to

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a pharmacy for collection prior to dispensation of the second prescription. The department must recommend to dispensers that patients are provided with guidance on proper disposal of the first opioid prescription.

The third required modification is to allow for dispensers to provide an early refill of a prescription before the refill date if, in the judgment of the dispenser, the early refill does not represent a pattern of early refill requests by the individual.

The fourth required modification is to allow for dispensers to contact prescribers by telephone to verify and document information about prescriptions.

The fifth required modification is to establish a process for a dispenser who receives a prescription for an opioid medication from an out-of-state prescriber that does not comply with department rules. The dispenser may fill the prescription if the dispenser records an oral confirmation with the validity of the prescription from the out-of-state prescriber and documents any missing information such as diagnosis code, exemption code and acute or chronic pain notation and the dispenser makes a reasonable effort to determine that the oral confirmation came from the prescriber or prescriber's agent, which may include a telephone call to the prescriber's telephone number listed in a telephone directory or other directory.

The sixth required modification is to delay the requirement for dispensers to provide information to the Prescription Monitoring Program on the exemption code and ICD-10 code until July 1, 2018, and allow the Department of Health and Human Services to approve waivers after July 1, 2018 for dispensers who are unable with good cause to comply with the requirement.

Enacted Law Summary

Resolve 2017, chapter 16 provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Resolve 2017, chapter 16 was finally passed as an emergency measure effective June 19, 2017.

**LD 1364 Resolve, Regarding Legislative Review of Portions of Chapter 101:
MaineCare Benefits Manual, Chapter III, Section 97: Private
Non-Medical Institution Services, a Major Substantive Rule of the
Department of Health and Human Services**

**RESOLVE 17
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

S-164 BRAKEY E

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services.

Senate Amendment "A" (S-164)

This amendment specifies that the Legislature does not authorize final adoption of the portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services. The provisionally adopted rule was approved by the Legislature as part of Resolve 2017, chapter 6, making approval pursuant to this resolve unnecessary (see LD 458).

Enacted Law Summary

Resolve 2017, chapter 17 prohibits the final adoption of the portions of Chapter 101: MaineCare Benefits Manual,