

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,
INSURANCE AND FINANCIAL SERVICES**

July 2022

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**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,
INSURANCE AND FINANCIAL SERVICES**

LD 1776 An Act To Allow Pharmacists to Dispense an Emergency Supply of Chronic Maintenance Drugs

ENACTED LAW SUMMARY

Public Law 2021, chapter 566 allows a pharmacist to dispense an emergency supply of a chronic maintenance drug to a patient without a prescription if the pharmacist is unable to obtain authorization to refill the prescription from a health care provider and the pharmacist has a record of the prescription in the name of the patient, including the amount of the drug dispensed in the most recent prescription or the standard unit of dispensing the drug, and that record does not indicate that no emergency supply is permitted. A pharmacist may dispense an emergency supply of a chronic maintenance drug to a patient as long as the following conditions are met:

1. The drug dispensed may not be a controlled substance included in Schedules I and II under the federal Controlled Substances Act;
2. The amount dispensed may not exceed a 30-day supply or, if the standard unit of dispensing exceeds a 30-day supply, may not exceed the smallest standard unit of dispensing, except that, if the drug is included on Schedule III or IV of the federal Controlled Substances Act, the amount dispensed may not exceed a seven-day supply;
3. The pharmacist may not dispense the chronic maintenance drug in an emergency supply to the same patient more than twice in a 12-month period; and
4. The pharmacist must determine, in the pharmacist's professional judgment, that the prescription is essential to sustain the life of the patient or to continue therapy for a chronic condition of the patient and that failure to dispense the drug could reasonably produce undesirable health consequences or cause physical or mental discomfort.

The law requires that the pharmacist notify the practitioner who issued the prescription or another practitioner responsible for the patient's care no later than 72 hours after the emergency supply is dispensed.

Public Law 2021, chapter 566 also requires health insurance carriers to make available coverage in all health plans for an emergency supply of a chronic maintenance drug dispensed in this manner. Any cost-sharing requirement applicable to that chronic maintenance drug may be imposed by a health insurer on an emergency supply.

LD 1778 An Act To Improve Health Care Affordability and Increase Options for Comprehensive Coverage for Individuals and Small Businesses in Maine

ENACTED LAW SUMMARY

Public Law 2021, chapter 518 requires that the Office of Affordable Health Care, beginning in 2023, expand the scope of its annual public hearing on cost trends to include barriers to health care