

**§254-C. Prescription drug program for out-of-country prescription drugs**

The department shall establish a prescription drug program, when permitted by federal law or by the granting of a waiver by the United States Secretary of Health and Human Services, to provide access to prescription drugs from out of the country to residents of the State who are 62 years of age or older or have disabilities. The program must operate within the limits of federal law and regulation and state law and rule. [PL 2005, c. 165, §1 (NEW).]

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

A. "Member" means a person who meets the eligibility requirements of subsection 2 and who is enrolled in the program. [PL 2005, c. 165, §1 (NEW).]

B. "Program" means the prescription drug program under this section. [PL 2005, c. 165, §1 (NEW).]  
[PL 2005, c. 165, §1 (NEW).]

**2. Eligibility.** Residents of the State are eligible for the program if they are 62 years of age or older or have disabilities.  
[PL 2005, c. 165, §1 (NEW).]

**3. Access.** Access to prescription drugs under the program is subject to the requirements of this subsection.

A. The member must show evidence of use of a pharmacist licensed in the State to coordinate all prescriptions and prevent harmful drug interactions. [PL 2005, c. 165, §1 (NEW).]

B. The program may provide access to prescription drugs that a member has taken according to prescription for at least 15 days. [PL 2005, c. 165, §1 (NEW).]

C. The program may provide access to prescription drugs from pharmacies located outside the country, provided that the department has specifically approved the use of any pharmacies located outside the country. [PL 2005, c. 165, §1 (NEW).]

D. The program may provide access to prescription drugs that are brand-name drugs in their original sealed packaging. [PL 2005, c. 165, §1 (NEW).]

E. The program may not provide access to antibiotics for acute illnesses or prescription drugs for alleviation of pain that are habit-forming. [PL 2005, c. 165, §1 (NEW).]  
[PL 2005, c. 165, §1 (NEW).]

**4. Testing.** The program must include a procedure for random testing of drugs to ensure purity and safety for the member.  
[PL 2005, c. 165, §1 (NEW).]

**5. Rulemaking.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.  
[PL 2005, c. 165, §1 (NEW).]

**SECTION HISTORY**

PL 2005, c. 165, §1 (NEW).

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