



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 180

H.P. 113

House of Representatives, January 14, 2025

**An Act Regarding the Interactions of Pharmacy Benefits Managers
and So-called 340B Entities and Reimbursements by Pharmacy
Benefits Managers to Pharmacies**

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MATHIESON of Kittery.
Cosponsored by Representative: CLUCHEY of Bowdoinham.

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

2 **Sec. 1. 24-A MRSA §4347, sub-§20** is enacted to read:

3 **20. 340B drug pricing.** "340B drug pricing" means the program established under
4 Section 602 of the federal Veterans Health Care Act of 1992.

5 **Sec. 2. 24-A MRSA §4347, sub-§21** is enacted to read:

6 **21. Wholesale acquisition cost.** "Wholesale acquisition cost" has the same meaning
7 as in Title 22, section 8731, subsection 6.

8 **Sec. 3. 24-A MRSA §4349-A** is enacted to read:

9 **§4349-A. Discriminatory practices prohibited**

10 **1. Discriminatory practices of carrier or pharmacy benefits manager regarding**
11 **340B drug pricing.** A carrier, or a pharmacy benefits manager under contract with a
12 carrier, may not discriminate against an entity authorized to participate in 340B drug
13 pricing or a pharmacy provider under contract with an entity authorized to participate in
14 340B drug pricing by:

15 A. Preventing or interfering with a covered person's choice to use without penalty any
16 pharmacy provider that the covered person chooses, whether or not the pharmacy
17 provider participates in 340B drug pricing;

18 B. Placing additional requirements, restrictions or unnecessary burdens upon an entity
19 authorized to participate in 340B drug pricing or a pharmacy under contract with an
20 entity authorized to participate in 340B drug pricing that results in administrative costs
21 or fees to the entity or pharmacy that are not placed on other entities or pharmacies that
22 do not participate in 340B drug pricing, including pharmacies affiliated with the
23 pharmacy benefits manager; or

24 C. Requiring a billing claim to indicate that the claim is a 340B drug pricing claim
25 unless the claim is being billed under the Medicaid program on a fee-for-service basis.

26 **2. Discriminatory practices of carrier or pharmacy benefits manager regarding**
27 **reimbursement.** A carrier, or a pharmacy benefits manager under contract with a carrier,
28 may not reimburse a pharmacy provider for a prescription drug or pharmacy service in an
29 amount that is less than the national average drug acquisition cost for the prescription drug
30 or pharmacy service at the time the drug is administered or dispensed, plus the amount of
31 a dispensing fee that is not less than the dispensing fee paid under the Medicaid program
32 on a fee-for-service basis. If the national average drug acquisition cost for the prescription
33 drug or pharmacy service is not available at the time the drug is administered or dispensed,
34 a carrier, or a pharmacy benefits manager under contract with a carrier, may not reimburse
35 a pharmacy provider for that prescription drug or pharmacy service in an amount that is
36 less than the wholesale acquisition cost of the drug, plus the amount of a dispensing fee
37 that is not less than the dispensing fee paid under the Medicaid program on a fee-for-service
38 basis. Notwithstanding this subsection, a carrier, or a pharmacy benefits manager under
39 contract with a carrier, may not reimburse a pharmacy provider for a prescription drug or
40 pharmacy service in an amount that is less than the amount the pharmacy benefits manager
41 reimburses itself or an affiliate for the same prescription drug or pharmacy service.

