



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1580

H.P. 1038

House of Representatives, April 10, 2025

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**An Act to Prohibit Pharmacy Benefits Managers from Imposing  
Certain Fees and Pricing**

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

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

ROBERT B. HUNT  
Clerk

Presented by Representative NUTTING of Oakland.  
Cosponsored by Representatives: BRIDGEO of Augusta, CLUCHEY of Bowdoinham,  
COLLAMORE of Pittsfield, DUCHARME of Madison, FOLEY of Wells, HENDERSON of  
Rumford, MORRIS of Turner, OLSEN of Raymond.

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

2 **Sec. 1. 24-A MRSA §4350-F** is enacted to read:

3 **§4350-F. Spread pricing prohibition and fairness in pharmacy benefits management**  
4 **fees**

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

7 A. "Pharmacy benefits management fee" means a fee that covers the cost of providing  
8 one or more pharmacy benefits manager services, as described in section 4347,  
9 subsection 17, and that does not exceed the value of the service or services actually  
10 performed by the pharmacy benefits manager.

11 B. "Rebate" means:

12 (1) Negotiated price concessions, including but not limited to base price  
13 concessions, whether described as a rebate or otherwise;

14 (2) Reasonable estimates of any price protection rebates and performance-based  
15 price concessions that may accrue directly or indirectly to the carrier or health plan  
16 during the coverage year from a manufacturer, dispensing pharmacy or other party  
17 in connection with the dispensing or administration of a prescription drug; and

18 (3) Reasonable estimates of any negotiated price concessions, fees and other  
19 administrative costs that are passed through, or are reasonably anticipated to be  
20 passed through, to the carrier or health plan and serve to reduce the carrier's or  
21 health plan's costs.

22 C. "Spread pricing" means any amount charged or claimed by a pharmacy benefits  
23 manager in excess of the ingredient cost for a dispensed prescription drug plus the  
24 dispensing fee paid directly or indirectly to any pharmacy or pharmacist on behalf of  
25 the health plan, less a pharmacy benefits management fee that conforms with the  
26 requirements of this section.

27 **2. No income derived beyond pharmacy benefits manager services fee.** A  
28 pharmacy benefits manager may not derive income from pharmacy benefits manager  
29 services, as described in section 4347, subsection 17, provided to a carrier or health plan in  
30 this State except for income derived from a pharmacy benefits management fee. This  
31 subsection may not be construed to permit a pharmacy benefits management fee to be  
32 derived from compensation remitted by or on behalf of a pharmaceutical manufacturer,  
33 developer or labeler directly or indirectly to a carrier, or to a pharmacy benefits manager  
34 under contract with a carrier, related to the carrier's prescription drug benefits. The amount  
35 of any pharmacy benefits management fees must be established in the agreement between  
36 the pharmacy benefits manager and the carrier or health plan.

37 **3. Setting pharmacy benefits management fees; limitations.** The pharmacy benefits  
38 management fee charged by or paid to a pharmacy benefits manager may not be directly or  
39 indirectly based or contingent upon:

40 A. The acquisition cost or any other price metric of a drug;

41 B. The amount of savings, rebates or other fees charged, realized or collected by or  
42 generated based on the activity of the pharmacy benefits manager; or

