



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1395

S.P. 562

In Senate, March 28, 2023

An Act to Increase Transparency Regarding Certain Drug Pricing Programs

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TIPPING of Penobscot.
Cosponsored by Senator: BAILEY of York, Representatives: MATHIESON of Kittery,
MORRIS of Turner, SKOLD of Portland.

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

2 **Sec. 1. 22 MRSA §1728** is enacted to read:

3 **§1728. Prescription drug transparency report**

4 Beginning January 1, 2024, each hospital participating in the federal drug program
5 under section 340b of the federal Public Health Service Act, 42 United States Code, Section
6 256b shall provide an annual report to the Maine Health Data Organization. The Maine
7 Health Data Organization shall post the report on a publicly accessible website. For the
8 purposes of this section, "hospital" has the same meaning as in section 1843, subsection 4.
9 Each hospital shall report in a standardized format specified by the Maine Health Data
10 Organization and include the following in the report:

11 **1. Hospital data.** Hospital data separated by the hospital and each off-site clinic
12 facility associated with the hospital including, but not limited to:

13 A. Total annual revenue from drugs purchased under the 340b program less the
14 aggregate annual acquisition costs for these drugs;

15 B. Dispensing fees paid to contract pharmacies that the hospital contracts with to
16 provide services associated with participation in the 340b program;

17 C. Patient mix by payment source including, but not limited to, Medicare, the
18 MaineCare program, private insurance and uninsured;

19 D. Costs incurred for charity care; and

20 E. Percentage of total revenue less discounts from infusion or injection of
21 physician-administered drugs purchased through the 340b program, including any
22 associated items or services provided as part of administering these drugs;

23 **2. Drug data.** Drug data for each hospital and the off-site clinic facility associated
24 with the hospital from each dispensing site including:

25 A. Name of the drug;

26 B. National drug code;

27 C. Acquisition cost;

28 D. Type of account through which the drug was purchased and the associated 340b
29 identification number, such as wholesaler, direct from the manufacturer or
30 consignment;

31 E. Quantity;

32 F. Payer source including, but not limited to, Medicare and the MaineCare program,
33 and primary, secondary or tertiary source;

34 G. Date of prescription;

35 H. Location where the 340b drug was administered or dispensed;

36 I. Date the drug was administered or dispensed; and

37 J. Compensation received from the sale of the 340b drug, including ingredient cost,
38 dispensing fee and other compensation; and

