

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Increase Consumer Awareness of Prescription Drug Pricing

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

Sec. 1. 32 MRSA §13783-A is enacted to read:

§ 13783-A. Prescription drug price reporting and posting

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

A. “Chain pharmacy” means a pharmacy licensed in this State that is part of a corporate grouping with 4 or more pharmacies.

B. “Director” means the director of the Governor's Office of Health Policy and Finance or the director of a successor agency.

C. “Popular drug list” means the 20 most-distributed prescription drugs in this State as determined by the director pursuant to subsection 3.

2. Price list. Each licensed chain pharmacy shall maintain on its premises in a conspicuous place a list of the drugs on the popular drug list, the retail prices charged for those drugs by that chain pharmacy and, if there are generic equivalents to those drugs that are sold by that chain pharmacy, the names of the generic equivalents and the retail prices charged for those generic equivalents by the chain pharmacy.

3. Duties of director. The following are the duties of the director.

A. The director shall determine which drugs appear on the popular drug list. The director may determine this list by any reliable means using any reliable source, including, but not limited to, the department, the Department of Health and Human Services, the board and the Prescription Drug Advisory Commission.

B. The director, on at least a semiannual basis, shall notify each chain pharmacy licensed in this State of the prescription drugs on the popular drug list.

C. The director shall receive and compile the information provided by chain pharmacies pursuant to subsection 4.

D. The director shall post on a publicly accessible website the following information:

(1) The names of the drugs on the popular drug list;

(2) The names of the chain pharmacies;

(3) The retail prices reported by each chain pharmacy for each of the drugs on the popular drug list; and

(4) If there is a generic equivalent to a prescription drug on the popular drug list that is sold by a chain pharmacy, the name of the generic equivalent and the retail price reported by that chain pharmacy for that generic equivalent.

The director may allow each chain pharmacy to include a brief statement explaining the prices charged by that chain pharmacy.

4. Report. On a monthly basis, each chain pharmacy shall report to the director the retail prices charged by the chain pharmacy for the drugs on the popular drug list and, if there is a generic equivalent sold by the chain pharmacy, the name of that generic equivalent and the retail price charged by the chain pharmacy for that generic equivalent. The report must include the name, strength and quantity of each drug.

5. Rules. The director shall adopt rules to implement the requirements of this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill requires the director of the Governor's Office of Health Policy and Finance to compile a list of the 20 most-distributed prescription drugs in this State. The director is required to notify at least semiannually each chain pharmacy licensed in this State of the listed drugs. Each chain pharmacy, which is defined as a pharmacy that is part of a corporate grouping with 4 or more pharmacies, is required to report monthly to the director the retail price charged for each of the drugs on the list as well as the retail price charged for a generic equivalent of a drug on the list. Each chain pharmacy is required to post the list in its store along with the prices charged by that chain pharmacy for the drugs on the list and any generic equivalents to those drugs. The director is required to post on a publicly accessible website the list, the names of the chain pharmacies reporting, the prices charged by each chain pharmacy for the listed drugs and the names and prices charged by each chain pharmacy of any generic equivalents to those drugs on the list.