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**An Act To Reduce the Cost of Prescription Drugs
Purchased by the State and Counties by Using
Section 340B of the Federal Public Health Service Act**

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

Sec. 1. 30-A MRSA §1561, sub-§5 is enacted to read:

5. Contract; purchase of prescription drugs. In contracting for the provision of medical care for a prisoner, a county may contract only with entities that are eligible to participate, and make reasonable efforts to participate, in the purchase of prescription drugs under Section 340B of the federal Public Health Service Act, 42 United States Code, Section 256b (2006).

Sec. 2. 34-A MRSA §3031-C is enacted to read:

§ 3031-C. Contract; purchase of prescription drugs

In contracting for the provision of medical care for a client in any correctional or detention facility, the department may contract only with entities that are eligible to participate, and make reasonable efforts to participate, in the purchase of prescription drugs under Section 340B of the federal Public Health Service Act, 42 United States Code, Section 256b (2006).

Sec. 3. Prescription drugs; Department of Health and Human Services. The Department of Health and Human Services shall coordinate with other state agencies, representatives of state employees and representatives of health care providers and facilities in the State to develop and implement a plan no later than July 1, 2009 to provide prescription drugs through Section 340B of the federal Public Health Service Act, 42 United States Code, Section 256b (2006), for the following, if the costs of implementing such a plan are less than the current cost of providing prescription drugs:

- A. State-funded managed care plans;
- B. MaineCare;
- C. State bulk purchasing initiatives; and
- D. Populations using high-cost chronic care and specialty drugs.

Sec. 4. Prescription drugs; corrections and county jails. The Department of Corrections shall coordinate with the counties and with the Department of Health and Human Services in developing and implementing a plan by July 1, 2009 to provide prescription drugs through Section 340B of the federal Public Health Service Act, 42 United States Code, Section 256b (2006) to inmates and employees in youth correctional facilities, county jails and state prisons.

Sec. 5. Covered entities. In developing and implementing the plans required in sections 3 and 4 of this Act, the Department of Health and Human Services and the Department of Corrections shall consider all health care providers and facilities in the State potentially eligible for designation

as "covered entities" under Section 340B of the federal Public Health Service Act, 42 United States Code, Section 256b (2006), including without limitation all hospitals eligible as disproportionate share hospitals; recipients of grants from the United States Public Health Service; federally qualified health centers; federally qualified look-alikes; state-operated AIDS drug assistance programs; Ryan White CARE Act Title I, Title II and Title III programs; tuberculosis, black lung, family planning and sexually transmitted disease clinics; hemophilia treatment centers; public housing primary care clinics; and clinics for homeless people.

SUMMARY

The purpose of this bill is to reduce the cost of prescription drugs purchased by the State and counties by expanding access to discounted prescription drugs under the federal 340B program. The bill:

1. Requires that counties and the Department of Corrections contract only with entities that are eligible to participate, and make reasonable efforts to participate, in the purchase of prescription drugs under Section 340B of the federal Public Health Service Act; and
2. Directs the Department of Health and Human Services and the Department of Corrections to each develop a plan to maximize access to prescription drugs through Section 340B of the federal Public Health Service Act.