

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

## **An Act Regarding Generic Drug Pricing**

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

**Sec. 1. 32 MRSA §13702-A, sub-§12-A** is enacted to read:

**12-A. Eligible product developer.** "Eligible product developer" means a person that seeks to develop an application for the approval of a drug under the Federal Food, Drug, and Cosmetic Act, Section 505(b) or 505(j) or the licensing of a biological product under the federal Public Health Service Act, Section 351.

**Sec. 2. 32 MRSA §13742-A, sub-§1, ¶¶C and D,** as enacted by PL 2007, c. 402, Pt. DD, §19, are amended to read:

C. Engaging in unprofessional conduct by violating any standard of professional behavior, including but not limited to a breach of confidentiality of health care information pursuant to state law, that has been established in the practice for which the licensee is licensed; or

D. Engaging in false, misleading or deceptive advertising; or

**Sec. 3. 32 MRSA §13742-A, sub-§1, ¶E** is enacted to read:

E. Failing to comply with section 13800.

**Sec. 4. 32 MRSA §13742-A, sub-§4** is enacted to read:

**4. Injunction.** Notwithstanding any other provision of law, the Attorney General may seek injunctive relief against a person who violates subsection 1, paragraph E.

**Sec. 5. 32 MRSA §13800** is enacted to read:

### **§ 13800. Access to distributed drugs**

A drug distributed in this State must be made available for sale in this State, at fair market price and without any restriction that delays access, to an eligible product developer.

## **SUMMARY**

This bill amends the Maine Pharmacy Act to require that a drug distributed in this State must be made available for sale in this State to a person seeking to develop an application for the approval of the drug under the Federal Food, Drug, and Cosmetic Act or the licensing of a biological product under the federal Public Health Service Act. It establishes disciplinary actions for noncompliance.