



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1165

H.P. 737

House of Representatives, March 14, 2023

An Act to Enhance Cost Savings to Consumers of Prescription Drugs

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 CRAVEN of Lewiston.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: FREDERICKS of Sanford, GRAHAM of North Yarmouth, JAVNER of
Chester, MEYER of Eliot, PERRY of Calais, SHAGOURY of Hallowell, Senators:
INGWERSEN of York, MOORE of Washington.

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

2 **Sec. 1. 24-A MRSA §4350-A**, as enacted by PL 2019, c. 469, §8 and affected by
3 §9, is amended to read:

4 **§4350-A. Responsibility to use compensation for benefit of covered persons**

5 **1. Compensation used to reduce point-of-sale costs, or improve benefits or lower**
6 **premiums.** All compensation remitted by or on behalf of a pharmaceutical manufacturer,
7 developer or labeler, directly or indirectly, to a carrier, or to a pharmacy benefits manager
8 under contract with a carrier, related to its prescription drug benefits must be: remitted
9 directly to the covered person at the point of sale to reduce the out-of-pocket costs to the
10 covered person associated with a particular prescription drug.

11 ~~A. Remitted directly to the covered person at the point of sale to reduce the out-of-~~
12 ~~pocket cost to the covered person associated with a particular prescription drug; or~~

13 ~~B. Remitted to, and retained by, the carrier. Compensation remitted to the carrier must~~
14 ~~be applied by the carrier in its plan design and in future plan years to offset the premium~~
15 ~~for covered persons.~~

16 **2. Compliance.** ~~Beginning March 1, 2021 and annually thereafter~~ Annually by March
17 1st, a carrier and pharmacy benefits manager shall file with the superintendent a report in
18 the manner and form determined by the superintendent demonstrating how the carrier or
19 pharmacy benefits manager has complied with this section.

20 **3. Enforcement.** The superintendent may impose civil penalties and enforcement
21 actions pursuant to section 12-A on a carrier or pharmacy benefits manager that violates
22 this section.

23 **4. Confidentiality.** Information provided to the superintendent pursuant to this section
24 is confidential and may not be disclosed.

25 **SUMMARY**

26 This bill removes a provision that requires that compensation remitted by or on behalf
27 of a pharmaceutical manufacturer, developer or labeler to a pharmacy benefits manager be
28 remitted to the carrier if it is not remitted to the covered person. It retains the provision that
29 requires that the compensation be remitted to the covered person to reduce the out-of-
30 pocket costs associated with a prescription drug. It requires pharmacy benefits managers
31 to annually report compliance with this requirement to the Superintendent of Insurance. It
32 authorizes the superintendent to impose civil penalties and take enforcement action for
33 noncompliance by a carrier or pharmacy benefits manager. It designates the information
34 provided as confidential.