



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1116

H.P. 828

House of Representatives, March 15, 2011

An Act To Restore Market-based Competition for Pharmacy Benefits Management Services

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative STRANG BURGESS of Cumberland.
Cosponsored by Senator SULLIVAN of York and
Representatives: FOSSEL of Alna, MALABY of Hancock, Speaker NUTTING of Oakland,
PRESCOTT of Topsham, Senators: DIAMOND of Cumberland, KATZ of Kennebec,
McCORMICK of Kennebec.

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

2 **Sec. 1. 22 MRSA §1711-E, sub-§1, ¶G**, as enacted by PL 2005, c. 589, §1, is
3 amended to read:

4 G. "Pharmacy benefits manager" has the same meaning as in ~~section 2699,~~
5 ~~subsection 1, paragraph F~~ Title 24-A, section 1913, subsection 1, paragraph A.

6 **Sec. 2. 22 MRSA c. 603, sub-c. 4**, as amended, is repealed.

7 **Sec. 3. 22 MRSA §8702, sub-§8-B**, as amended by PL 2007, c. 695, Pt. A, §26,
8 is further amended to read:

9 **8-B. Pharmacy benefits manager.** "Pharmacy benefits manager" ~~means an entity~~
10 ~~that performs pharmacy benefits management as defined in section 2699, subsection 1,~~
11 ~~paragraph E~~ has the same meaning as in Title 24-A, section 1913, subsection 1, paragraph
12 A.

13 **Sec. 4. 24-A MRSA §1913**, as enacted by PL 2009, c. 581, §4, is repealed and the
14 following enacted in its place:

15 **§1913. Registration of pharmacy benefits managers**

16 Beginning April 1, 2011, a person may not act as a pharmacy benefits manager in this
17 State without first paying the registration fee required under section 601, subsection 28.

18 **1. Definitions.** As used in this section, the following terms have the following
19 meanings.

20 A. "Pharmacy benefits manager" means a person or entity that contracts with a plan
21 sponsor, health care service plan, health maintenance organization or insurer to
22 manage or administer a contract, agreement or arrangement between a carrier or
23 administrator and a pharmacy, as defined in Title 32, section 13702-A, subsection 24,
24 in which the pharmacy agrees to provide services to a health plan enrollee whose plan
25 benefits include incentives for the enrollee to use the services of that pharmacy.

26 **2. Rules.** The superintendent may adopt routine technical rules pursuant to Title 5,
27 chapter 375, subchapter 2-A to administer and enforce the registration requirements of
28 this section.

29 **3. Enforcement.** The superintendent may enforce this section under sections 220
30 and 223 and other provisions of this Title.

31 **SUMMARY**

32 The bill repeals the Maine Revised Statutes, Title 22, chapter 603, subchapter 4,
33 which concerned prescription drug practices, and moved certain provisions from that
34 subchapter regarding pharmacy benefits managers to Title 24-A.