



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1450

H.P. 1066

House of Representatives, April 12, 2021

An Act To Provide Fairness in Communications from Pharmacy Benefits Managers

Received by the Clerk of the House on April 8, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TEPLER of Topsham.

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

2 **Sec. 1. 24-A MRSA §4347, sub-§1-A** is enacted to read:

3 **1-A. Affiliate pharmacy.** "Affiliate pharmacy" means a pharmacy that either directly
4 or indirectly through one or more intermediaries:

5 A. Has an investment or ownership interest in a pharmacy benefits manager licensed
6 in the State;

7 B. Shares common ownership with a pharmacy benefits manager licensed in the State;
8 or

9 C. Has as an investor or ownership interest holder a pharmacy benefits manager
10 licensed in the State.

11 **Sec. 2. 24-A MRSA §4348-A** is enacted to read:

12 **§4348-A. Communications regarding pharmacies and prices**

13 A pharmacy benefits manager may include an affiliate pharmacy in communications
14 to customers, including communications specific to a customer or prospective customer,
15 regarding network pharmacies and prices, only if the pharmacy benefits manager includes
16 information regarding eligible pharmacies that are not affiliate pharmacies in such
17 communications and the information provided is accurate.

18 **SUMMARY**

19 This bill permits a pharmacy benefits manager to include an affiliate pharmacy in
20 communications to customers, including communications specific to a customer or
21 prospective customer, regarding network pharmacies and prices, only if the pharmacy
22 benefits manager includes information regarding eligible pharmacies that are not affiliate
23 pharmacies in those communications. The bill defines "affiliate pharmacy."