



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1280

S.P. 432

In Senate, April 4, 2017

An Act Regarding Generic Drug Pricing

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative GATTINE of Westbrook and
Senators: BELLOWS of Kennebec, CARSON of Cumberland, DAVIS of Piscataquis,
SAVIELLO of Franklin, VITELLI of Sagadahoc, Representatives: LAWRENCE of South
Berwick, MASTRACCIO of Sanford.

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

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

3 **12-A. Eligible product developer.** "Eligible product developer" means a person
4 that seeks to develop an application for the approval of a drug under the Federal Food,
5 Drug, and Cosmetic Act, Section 505(b) or 505(j) or the licensing of a biological product
6 under the federal Public Health Service Act, Section 351.

7 **Sec. 2. 32 MRSA §13742-A, sub-§1, ¶¶C and D,** as enacted by PL 2007, c.
8 402, Pt. DD, §19, are amended to read:

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

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

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

15 E. Failing to comply with section 13800.

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

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

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

20 **§13800. Access to distributed drugs**

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

24 **SUMMARY**

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