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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 747, L.D. 1128, “An Act to Modernize the Formulary for Naturopathic Doctors”

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the rule designating the formulary for naturopathic doctors has not been updated since 1996; and

Whereas, there is a statutory inconsistency that restricts the authority of the Board of Complementary Health Care Providers to amend the formulary by rule; and

Whereas, this legislation corrects that inconsistency and must take effect immediately so that the process to update the formulary can begin; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 32 MRSA §12522, sub-§4, ¶B, as enacted by PL 1995, c. 671, §13, is amended to read:

B. A naturopathic doctor may only prescribe noncontrolled legend drugs from the following categories: homeopathic remedies, vitamins and minerals, hormones, local anesthesia and immunizations that are designated by rule by a subcommittee of the board consisting of the naturopathic members, ~~the pharmacist member~~ and the allopathic or osteopathic physician member, as consistent with a naturopathic doctor's education and training. A naturopathic doctor may not prescribe psychotropic medications.

Sec. 2. Board of Complementary Health Care Providers to adopt rules. No later than January 1, 2026, as authorized by the Maine Revised Statutes, Title 32, section 12522, subsection 4, paragraph B, the formulary subcommittee of the Board of Complementary Health Care Providers shall update the formulary for naturopathic doctors and the Board of Complementary Health Care Providers shall adopt the formulary by rule. Prior to making final recommendation to the Board of Complementary Health Care Providers on an update to the formulary, the formulary subcommittee shall consult with pharmacist members of the Maine Board of Pharmacy. Rules adopted by the Board of Complementary Health Care Providers pursuant to this section are major substantive rules as required by Title 32, section 12506.

Sec. 3. Authority to report out bill. The Joint Standing Committee on Health Coverage, Insurance and Financial Services may report out a bill to the Second Regular Session of the 132nd Legislature relating to the prescriptive authority of naturopathic doctors.'

Amend the bill by adding before the summary the following:

'Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill and adds an emergency preamble and emergency clause. The amendment corrects an inconsistency in the membership of the formulary subcommittee of the Board of Complementary Health Care Providers by removing an outdated reference to a pharmacist member. The amendment requires that the formulary related to the prescriptive authority of naturopathic doctors must be updated by the formulary subcommittee of the Board of Complementary Health Care Providers and that the formulary subcommittee consult with pharmacist members of the Maine Board of Pharmacy. The amendment requires that the Board of Complementary Health Care Providers adopt the rule designating the formulary no later than January 1, 2026. The amendment also authorizes the Joint Standing Committee on Health Coverage, Insurance and Financial Services to report out a bill relating to the prescriptive authority of naturopathic doctors to the Second Regular Session of the 132nd Legislature.

FISCAL NOTE REQUIRED

(See attached)