

Date:

(Filing No. H- )

**HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

Reproduced and distributed under the direction of the Clerk of the House.

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

COMMITTEE AMENDMENT “ ” to H.P. 1038, L.D. 1580, “An Act to Prohibit Pharmacy Benefits Managers from Imposing Certain Fees and Pricing”

Amend the bill by striking out the title and substituting the following:

**'An Act to Prohibit Carriers and Pharmacy Benefits Managers from Using Spread Pricing'**

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

**'Sec. 1. 24-A MRSA §4350-F** is enacted to read:

**§4350-F. Spread pricing prohibition**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Pharmacy benefits management fee" means a fee that covers the cost of providing one or more pharmacy benefits manager services, as described in section 4347, subsection 17, and that does not exceed the value of the service or services actually performed by the pharmacy benefits manager.

B. "Spread pricing" means any amount charged or claimed by a pharmacy benefits manager in excess of the ingredient cost for a dispensed prescription drug plus the dispensing fee paid directly or indirectly to any pharmacy or pharmacist on behalf of the health plan, less any pharmacy benefits management fee.

**2. Spread pricing prohibited.** A carrier or pharmacy benefits manager may not, either directly or through an intermediary, agent or affiliate, engage in, facilitate or enter into a contract with another person involving spread pricing in this State.

**3. Annual certification of compliance.** Beginning December 31, 2026 and annually by December 31st thereafter, a carrier, or a pharmacy benefits manager under contract with a carrier, operating in the State shall certify to the superintendent that it has fully complied with the requirements of this section throughout the prior calendar year. The certification

1 must be signed by the chief executive officer or chief financial officer of the carrier or  
2 pharmacy benefits manager.

3 **4. Penalty.** A violation of this section is subject to enforcement by the superintendent  
4 pursuant to section 12-A.

5 **5. Exemption.** This section does not apply to the MaineCare program.

6 **6. Repeal.** This section is repealed January 1, 2031.

7 **Sec. 2. Application.** This Act applies to contracts entered into or renewed on or after  
8 January 1, 2026.'

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

### 11 SUMMARY

12 This amendment replaces the bill and changes the title. The amendment prohibits so-  
13 called spread pricing, which means amounts charged by a pharmacy benefits manager in  
14 excess of the ingredient cost for a dispensed prescription drug and the dispensing fee paid  
15 to the pharmacy or pharmacist less any pharmacy benefits management fee. The  
16 amendment provides that this prohibition applies to contracts entered into or renewed on  
17 or after January 1, 2026 and is repealed January 1, 2031.

### 18 FISCAL NOTE REQUIRED

19 (See attached)