L.D. 673

Date: (Filing No. S-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT " " to S.P. 260, L.D. 673, "An Act To Create the Insulin Safety Net Program"

Amend the bill in section 1 in §13725 in subsection 2 in the 3rd line (page 1, line 22 in L.D.) by striking out the following: "January" and inserting the following: 'March'

Amend the bill in section 1 in §13725 in subsection 3 in the first 2 lines (page 1, lines 26 and 27 in L.D.) by striking out the following: "The board shall, through the program, authorize a pharmacy to dispense a 30-day supply of insulin" and inserting the following: 'A pharmacy shall dispense a 30-day supply of insulin, as permitted under section 13786-D,'

Amend the bill in section 1 in §13725 in subsection 3 in paragraph C in the last line (page 2, line 9 in L.D.) by inserting after the following: "supply." the following: 'If an individual does not have a valid prescription, a pharmacist may dispense an emergency refill of insulin pursuant to section 13786-D.'

Amend the bill in section 1 in §13725 in subsection 3 in paragraph G in the 2nd line (page 2, line 24 in L.D.) by inserting after the following: "information" the following: 'for the Health Insurance Consumer Assistance Program established in Title 24-A, chapter 56-A, subchapter 2-A, including the program's publicly accessible website, toll-free telephone number and e-mail address, so that the individual may access additional information and assistance'

Amend the bill in section 1 in §13725 in subsection 3 in paragraph H in the last line (page 2, line 33 in L.D.) by striking out the following: "auditing" and inserting the following: 'compliance'

Amend the bill in section 1 in §13725 in subsection 4 in the first 2 lines (page 2, lines 34 and 35 in L.D.) by striking out the following: "Pursuant to the requirements of the program, as established by the board, a" and inserting the following: 'A'

Amend the bill in section 1 in §13725 in subsection 4 in paragraph A in the first line (page 2, line 39 in L.D.) by striking out the following: "board with" and inserting the following: 'Health Insurance Consumer Assistance Program established in Title 24-A, chapter 56-A, subchapter 2-A'

Amend the bill in section 1 in §13725 in subsection 4 by striking out all of paragraph G (page 4, lines 31 to 40 in L.D.) and inserting the following:

'G. If an individual disagrees with a manufacturer's determination of eligibility under this subsection, the individual may contact the board to request a review of eligibility. The review of eligibility must be conducted by the board administrator, in consultation with a board member. The individual requesting the review shall submit to the board, with the request, all documents submitted by the individual to the manufacturer. The board shall provide the reviewer or reviewers with the documents submitted by the individual. The review of eligibility must be completed within 10 business days of receipt of all the necessary documents from the individual. The review decision is final. If the review determines that the individual is eligible for the manufacturer's patient assistance program, the manufacturer shall provide the individual with an eligibility statement in accordance with this subsection.'

Amend the bill in section 1 in §13725 in subsection 5 in the 6th line (page 5, line 1 in L.D.) by striking out the following: "panel" and inserting the following: 'reviewer'

Amend the bill in section 1 in §13725 in subsection 6 in the first line (page 5, line 5 in L.D.) by striking out the following: "The" and inserting the following: 'In consultation with the Health Insurance Consumer Assistance Program, established in Title 24-A, chapter 56-A, subchapter 2-A, the'

Amend the bill by inserting after section 1 the following:

'**Sec. 2. 32 MRSA §13742-A, sub-§1, ¶E,** as amended by PL 2019, c. 165, §28, is further amended to read:

E. Failing to comply with section 13800; ~~or~~

Sec. 3. 32 MRSA §13742-A, sub-§1, ¶F, as enacted by PL 2019, c. 165, §29, is amended to read:

F. A violation of section 13800-B~~.~~; or

Sec. 4. 32 MRSA §13742-A, sub-§1, ¶G is enacted to read:

G. A violation of section 13725.

Sec. 5. 32 MRSA §13800-D is enacted to read:

§13800-D. Insulin product registration fee

This section governs insulin product registration fees. As used in this section, "unit of insulin" means the lowest identifiable quantity of insulin that is dispensed.

1. Registration fee. Except as provided in subsection 2, a manufacturer that produces insulin that is sold, delivered or distributed in this State shall pay an annual registration fee of $75,000 to the board on December 31st of each year in addition to any license renewal fee required to be paid by the manufacturer under this chapter.

2. Exception. A manufacturer whose aggregate total of insulin sold, delivered or distributed in this State does not exceed 500,000 units of insulin in the year in which a registration fee under subsection 1 is due is not required to pay the registration fee. To qualify for the exception under this subsection, a manufacturer must demonstrate to the board, by January 31st of the year following the year in which the registration fee is due,

in a manner determined by the board, that the aggregate total of insulin produced by the manufacturer that was sold, delivered or distributed within this State in the year in which the manufacturer seeks to claim the exception did not exceed 500,000 units. The board may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

This section is repealed January 1, 2027.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates funds for technology-related costs associated with establishing one Comprehensive Health Planner position to manage the Insulin Safety Net Program.

OTHER SPECIAL REVENUE FUNDS	**2021-22**	**2022-23**
All Other	$2,729	$3,347
OTHER SPECIAL REVENUE FUNDS TOTAL	$2,729	$3,347

Licensing and Enforcement 0352

Initiative: Allocates funds for the per diem costs for one member of the Maine Board of Pharmacy to review a manufacturer's determination of eligibility for the manufacturer's patient assistance program.

OTHER SPECIAL REVENUE FUNDS	**2021-22**	**2022-23**
Personal Services	$630	$840
OTHER SPECIAL REVENUE FUNDS TOTAL	$630	$840

Licensing and Enforcement 0352

Initiative: Allocates funds for one Comprehensive Health Planner position and related All Other costs to manage the Insulin Safety Net Program.

OTHER SPECIAL REVENUE FUNDS	**2021-22**	**2022-23**
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	$72,628	$101,474
All Other	$9,278	$4,477
OTHER SPECIAL REVENUE FUNDS TOTAL	$81,906	$105,951

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS	**2021-22**	**2022-23**
OTHER SPECIAL REVENUE FUNDS	**$85,265**	**$110,138**
DEPARTMENT TOTAL - ALL FUNDS	**$85,265**	**$110,138**

'

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

SUMMARY

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It changes the date by which manufacturers must have established procedures to make insulin available to pharmacies under the Insulin Safety Net Program from January 1, 2022 to March 1, 2022.

2. It makes clarifying changes related to the dispensing of insulin by a pharmacist.

3. It requires that the information provided to individuals receiving insulin through the Insulin Safety Net Program include contact information for the Health Insurance Consumer Assistance Program.

4. It directs insulin manufacturers to provide contact information related to their patient assistance programs to the Health Insurance Consumer Assistance Program.

5. It removes the requirement that a 3-member panel of the board conduct a review when an individual disagrees with a manufacturer's determination of eligibility for a patient assistance program. Instead, it requires that the review of eligibility be conducted by the board administrator in consultation with a board member.

6. It clarifies that a violation of the requirements of the Insulin Safety Net Program is subject to disciplinary action by the board.

7. It adds a requirement that certain insulin manufacturers pay an annual registration fee of $75,000.

8. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)