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Date: (Filing No. S-)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 60, L.D. 171, Bill, “An Act To Facilitate the Licensing of International Mail Order Prescription Pharmacies by the Maine Board of Pharmacy”

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

'An Act To Facilitate the Personal Importation of Prescription Drugs from International Mail Order Prescription Pharmacies'

Amend the bill by adding after section 2 the following:

'Sec. 3. 32 MRSA §13721, sub-§4 is enacted to read:

4. Prescription drug importation from Canada. If the United States Secretary of Health and Human Services certifies to Congress that the importation of prescription drugs poses no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer pursuant to 21 United States Code, Section 384 (2013), the board shall by rule establish standards allowing for the personal importation of prescription drugs from Canada by residents of the State. The board shall establish the standards for reciprocal inspection agreements between the board and licensed retail pharmacies in Canada, subject to the following restrictions:

A. An entity that dispenses prescription drugs for personal use pursuant to this subsection may not require a consumer or beneficiary to waive the consumer's or beneficiary's right to bring any cause of action against the entity that is available under state or federal law; and

B. An entity that dispenses prescription drugs for personal use pursuant to this subsection may not require that a cause of action by a resident of this State be brought in a jurisdiction other than this State or the United States District Court for the District of Maine.

The board shall assume any liability for prescription drugs dispensed to a resident of this State by a pharmacy authorized to mail prescription drugs into this State as a result of a

COMMITTEE AMENDMENT

1 reciprocal inspection agreement under subsection 2. Rules adopted pursuant to this
2 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3 Until certification is granted by the United States Secretary of Health and Human
4 Services pursuant to 21 United States Code, Section 384 (2013), the board shall direct
5 residents of the State that request additional information on the safe importation of
6 prescription drugs through Internet pharmacies to organizations that provide consumers
7 with information from a nationwide partnership for prescription assistance and
8 partnership for safe medicines on how to reduce costs associated with prescription drugs
9 and how to ensure the safety of prescription drugs.

10 **Sec. 4. Contingent effective date.** Those sections of this Act that amend the
11 Maine Revised Statutes, Title 32, section 13702-A, subsection 17 and section 13721,
12 subsection 2 do not take effect unless:

13 1. The United States Secretary of Health and Human Services certifies to Congress
14 that the importation of prescription drugs poses no additional risk to the public's health
15 and safety and will result in a significant reduction in the cost of covered products to the
16 American consumer pursuant to 21 United States Code, Section 384 (2013); and

17 2. The Commissioner of Professional and Financial Regulation notifies the Secretary
18 of State, the Secretary of the Senate, the Clerk of the House of Representatives and the
19 Revisor of Statutes that the United States Secretary of Health and Human Services has
20 certified to Congress that the importation of prescription drugs poses no additional risk to
21 the public's health and safety and will result in a significant reduction in the cost of
22 covered products to the American consumer pursuant to 21 United States Code, Section
23 384 (2013).

24 In no event may this Act take effect until 90 days after adjournment of the First
25 Regular Session of the 126th Legislature.'

26 SUMMARY

27 This amendment is the minority report of the committee. It amends the bill to
28 provide that, if the United States Secretary of Health and Human Services certifies to
29 Congress that the importation of prescription drugs poses no additional risk to the public's
30 health and safety and will result in a significant reduction in the cost of covered products
31 to the American consumer pursuant to 21 United States Code, Section 384 (2013), the
32 Department of Professional and Financial Regulation, Maine Board of Pharmacy is
33 required to establish standards allowing for the personal importation of prescription drugs
34 from Canada by residents of the State. The board is required to establish the standards
35 for reciprocal inspection agreements between the board and licensed retail pharmacies in
36 Canada, subject to the following restrictions: (1) an entity that dispenses prescription
37 drugs for personal use pursuant to these provisions is prohibited from requiring that the
38 consumer or beneficiary waive the right to bring any cause of action against the entity
39 that is available under state or federal law; and (2) an entity that dispenses prescription
40 drugs for personal use pursuant to these provisions is prohibited from requiring that a
41 cause of action by a resident of this State be brought in a jurisdiction other than this State
42 or the United States District Court for the District of Maine. The board is required to
43 assume any liability for prescription drugs dispensed to a resident of this State by a

1 pharmacy authorized to mail prescription drugs into this State as a result of a reciprocal
2 inspection agreement.

3 It also provides that, until such certification is granted by the United States Secretary
4 of Health and Human Services, the board is required to direct residents of the State that
5 request additional information on the safe importation of prescription drugs through
6 Internet pharmacies to organizations that provide consumers with information from a
7 nationwide partnership for prescription assistance and partnership for safe medicines on
8 how to reduce costs associated with prescription drugs and how to ensure the safety of
9 prescription drugs.

10 It also adds a contingent effective date to the sections of the bill that amend the
11 definition of "mail order prescription pharmacy" and amend provisions regarding
12 reciprocal inspections so that these changes do not take effect unless the United States
13 Secretary of Health and Human Services certifies to Congress that the importation of
14 prescription drugs poses no additional risk to the public's health and safety and will result
15 in a significant reduction in the cost of covered products to the American consumer.