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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  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 466, L.D. 1504, Bill, “An Act To Protect Consumers from Unfair Practices Related to Pharmacy Benefits Management”

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

**Sec. 1. 22 MRSA §1711-E, sub-§1, ¶G,** as amended by PL 2011, c. 443, §1, is further amended to read:

G. "Pharmacy benefits manager" has the same meaning as in Title 24-A, section ~~1913~~ 1913-A, subsection 1, ~~paragraph A.~~

**Sec. 2. 22 MRSA §8702, sub-§8-B,** as amended by PL 2011, c. 443, §3, is further amended to read:

**8-B. Pharmacy benefits manager.** "Pharmacy benefits manager" has the same meaning as in Title 24-A, section ~~1913~~ 1913-A, subsection 1, ~~paragraph A.~~

**Sec. 3. 24-A MRSA §601, sub-§28,** as enacted by PL 2009, c. 581, §3, is repealed.

**Sec. 4. 24-A MRSA §601, sub-§28-A** is enacted to read:

**28-A. Pharmacy benefits manager.** Pharmacy benefits manager licensing fees may not exceed:

A. Original issuance fee, \$100; and

B. Renewal fee, \$100.

**Sec. 5. 24-A MRSA §1913,** as repealed and replaced by PL 2011, c. 443, §4, is repealed.

**Sec. 6. 24-A MRSA §1913-A** is enacted to read:

1 **§1913-A. Licensure of pharmacy benefits managers**

2 **1. Definition; pharmacy benefits manager.** As used in this section, "pharmacy  
3 benefits manager" means a person, business or other entity that, pursuant to a contract or  
4 under an employment relationship with a carrier, a self-insurance plan or other 3rd-party  
5 payer, either directly or through an intermediary, manages the prescription drug coverage  
6 provided by the carrier, self-insurance plan or other 3rd-party payer, including, but not  
7 limited to, processing and paying claims for prescription drugs, performing drug  
8 utilization review, processing drug prior authorization requests, adjudicating appeals or  
9 grievances related to prescription drug coverage, contracting with network pharmacies  
10 and controlling the cost of covered prescription drugs.

11 **2. License required.** Beginning January 1, 2020, a person may not act as a  
12 pharmacy benefits manager in this State without first obtaining a license from the  
13 superintendent in accordance with this section and paying the licensing fee required under  
14 section 601, subsection 28-A.

15 **3. Applicant information.** An applicant for licensure as a pharmacy benefits  
16 manager must file with the superintendent at least the following information:

17 A. The name of the applicant;

18 B. The address and telephone number of the applicant;

19 C. The name and address of the applicant's agent for service of process in the State;

20 D. The name and address of each person beneficially interested in the applicant; and

21 E. The name and address of each person with management or control over the  
22 applicant.

23 **4. Qualification.** The superintendent may issue a pharmacy benefits manager  
24 license to an applicant only if the superintendent is satisfied that the applicant possesses  
25 the necessary organization, expertise and financial integrity to supply the services sought  
26 to be offered.

27 **5. Restrictions permitted.** The superintendent may issue a pharmacy benefits  
28 manager license subject to restrictions or limitations, including the type of services that  
29 may be supplied or the activities in which the pharmacy benefits manager may engage.

30 **6. Valid for 3 years.** A license issued pursuant to this section is valid for a period of  
31 3 years and must be renewed.

32 **7. Nontransferable.** A license issued pursuant to this section is not transferable.

33 **8. Suspension, revocation or probationary license.** The superintendent may  
34 suspend, revoke or place on probation a pharmacy benefits manager license under any of  
35 the following circumstances:

36 A. The pharmacy benefits manager has engaged in fraudulent activity that constitutes  
37 a violation of state or federal law;

38 B. The superintendent has received consumer complaints that justify an action under  
39 this subsection to protect the safety and interests of consumers;

