



# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 1053

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H.P. 682

House of Representatives, March 14, 2025

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### **An Act to Ensure That Rebates from Prescription Drug Manufacturers Are Passed on to Patients at Pharmacies**

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Received by the Clerk of the House on March 12, 2025. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CLOUTIER of Lewiston.  
Cosponsored by Senator ROTUNDO of Androscoggin and  
Representatives: BECK of South Portland, KUHN of Falmouth, MACIAS of Topsham,  
MURPHY of Scarborough, SALISBURY of Westbrook, SHAGOURY of Hallowell, TERRY  
of Gorham, Senator: GROHOSKI of Hancock.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §4350-A**, as enacted by PL 2019, c. 469, §8 and affected by  
3 §9, is amended to read:

4 **§4350-A. Responsibility to use compensation for benefit of covered persons**

5 **1. Compensation used to reduce point-of-sale costs, or improve benefits or lower**  
6 **premiums.** All compensation remitted by or on behalf of a pharmaceutical manufacturer,  
7 developer or labeler, directly or indirectly, to a carrier, or to a pharmacy benefits manager  
8 under contract with a carrier, related to its prescription drug benefits must be: remitted  
9 directly to the covered person at the point of sale to reduce the out-of-pocket costs to the  
10 covered person associated with a particular prescription drug. In implementing this  
11 subsection, the superintendent may regulate a carrier or pharmacy benefits manager only  
12 to the extent permitted by law.

13 ~~A. Remitted directly to the covered person at the point of sale to reduce the out-of-~~  
14 ~~pocket cost to the covered person associated with a particular prescription drug; or~~

15 ~~B. Remitted to, and retained by, the carrier. Compensation remitted to the carrier must~~  
16 ~~be applied by the carrier in its plan design and in future plan years to offset the premium~~  
17 ~~for covered persons.~~

18 **2. Compliance.** ~~Beginning March 1, 2021 and annually thereafter~~ Annually by March  
19 1st, a carrier and a pharmacy benefits manager shall file with the superintendent a report in  
20 the manner and form determined by the superintendent demonstrating how the carrier or  
21 pharmacy benefits manager has complied with this section.

22 **3. Enforcement.** The superintendent may impose civil penalties and enforcement  
23 actions pursuant to section 12-A on a carrier or pharmacy benefits manager that violates  
24 this section.

25 **4. Confidentiality.** Information provided to the superintendent pursuant to this section  
26 is confidential and may not be disclosed.

27 **5. Federal drug discounts.** This section may not be construed to affect discounts that  
28 manufacturers must offer to covered entities or to apply to any covered entity under 42  
29 United States Code, Section 256b.

30 **SUMMARY**

31 This bill removes a provision that requires that compensation remitted by or on behalf  
32 of a pharmaceutical manufacturer, developer or labeler to a pharmacy benefits manager be  
33 remitted to the carrier if it is not remitted to the covered person. It retains the provision that  
34 requires that the compensation be remitted to the covered person to reduce the out-of-  
35 pocket costs associated with a prescription drug. It requires pharmacy benefits managers  
36 to annually report compliance with this requirement to the Superintendent of Insurance. It  
37 authorizes the superintendent to impose civil penalties and take enforcement action for  
38 noncompliance by a carrier or pharmacy benefits manager. It designates the information  
39 provided as confidential.