

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 26 - L.D. 60

An Act To Clarify the Minimum Amount of Emergency Refills of Insulin

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, legislation to authorize a pharmacist to provide an emergency refill of insulin was enacted as emergency legislation on March 18, 2020; and

Whereas, this legislation clarifies the minimum amount of insulin that may be provided on an emergency basis by a pharmacist and requires notice of the refill to the provider that prescribed the insulin to the patient; and

Whereas, it is important for a pharmacist to be able to provide emergency refills of insulin in the minimum amounts permitted by this legislation as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §13786-D, sub-§2, as enacted by PL 2019, c. 666, Pt. B, §1, is amended to read:

2. Authorization. As authorized by the board in accordance with rules adopted under subsection 3, a pharmacist may dispense emergency refills of insulin and associated insulin-related devices and supplies by prescription drug order or standing order or pursuant to a collaborative practice agreement authorizing insulin to be dispensed. The insulin dispensed under this subsection must be in a quantity that is ~~the lesser of a 30-day supply and the smallest available package~~ at least a 30-day supply unless the intended recipient requests a lesser quantity upon consultation with the pharmacist. The intended recipient shall provide evidence of a previous prescription from a practitioner and attest that a refill of that previous prescription may not be readily or easily obtained under the circumstances. Upon receiving evidence of a previous prescription from a practitioner, the pharmacist shall immediately notify that practitioner that an emergency refill of insulin was

dispensed and instruct the recipient to seek follow-up care from the practitioner as soon as possible.

Sec. 2. 32 MRSA §13786-D, sub-§3, as enacted by PL 2019, c. 666, Pt. B, §1, is amended to read:

3. Rules; protocols. The board by rule shall establish standards for authorizing pharmacists to dispense insulin in accordance with subsection 2, including ~~adequate training requirements and protocols for dispensing insulin~~ protocols for notifying practitioners when emergency refills of insulin are dispensed. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.