



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 455

H.P. 322

House of Representatives, February 7, 2017

**An Act Relating to the Provision of Tobacco Cessation Services by
Pharmacists**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CHACE of Durham.
Cosponsored by Senator BELLOWS of Kennebec and Representatives: GILLWAY of
Searsport, GROHMAN of Biddeford, MALABY of Hancock, PERRY of Calais, WINSOR of
Norway.

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

2 **Sec. 1. 22 MRSA §3174-ZZ** is enacted to read:

3 **§3174-ZZ. Reimbursement for pharmacist tobacco cessation services**

4 **1. Reimbursement.** By January 1, 2018, the department shall provide for the
5 reimbursement of pharmacists under the MaineCare program for tobacco cessation
6 counseling services and the furnishing of nicotine replacement products approved by the
7 federal Food and Drug Administration as authorized pursuant to Title 32, section
8 13702-A, subsection 28 and in accordance with rules adopted by the Department of
9 Professional and Financial Regulation, Maine Board of Pharmacy.

10 **2. Rulemaking.** The department shall adopt rules to implement this section. The
11 rules must include, at a minimum, reimbursement levels and a description of products
12 that require counseling services by a pharmacist. Rules adopted pursuant to this
13 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

14 **Sec. 2. 32 MRSA §13702-A, sub-§28,** as amended by PL 2013, c. 308, §2, is
15 further amended to read:

16 **28. Practice of pharmacy.** "Practice of pharmacy" means the interpretation and
17 evaluation of prescription drug orders; the compounding, dispensing and labeling of
18 drugs and devices, except labeling by a manufacturer, packer or distributor of
19 nonprescription drugs and commercially packaged legend drugs and devices; the
20 participation in drug selection and drug utilization reviews; the proper and safe storage of
21 drugs and devices and the maintenance of proper records for these drugs and devices; the
22 administration of vaccines licensed by the United States Food and Drug Administration
23 that are recommended by the United States Centers for Disease Control and Prevention
24 Advisory Committee on Immunization Practices, or successor organization, for
25 administration to adults; the performance of collaborative drug therapy management; the
26 responsibility for advising, when necessary or regulated, of therapeutic values, content,
27 hazards and use of drugs and devices; the provision of tobacco cessation counseling
28 services and the furnishing of nicotine replacement products approved by the United
29 States Food and Drug Administration; and the offering or performing of those acts,
30 services, operations or transactions necessary in the conduct, operation, management and
31 control of a pharmacy.

32 **Sec. 3. Rulemaking.** By January 1, 2018, the Department of Professional and
33 Financial Regulation, Maine Board of Pharmacy shall adopt, in consultation with the
34 Board of Licensure in Medicine, rules for the provision of tobacco cessation counseling
35 services by pharmacists and the furnishing by pharmacists of nicotine replacement
36 products approved by the federal Food and Drug Administration as described in the
37 Maine Revised Statutes, Title 32, section 13702-A, subsection 28. The rules must
38 include standardized procedures and protocols for record keeping, notification of health
39 care providers and monitoring patients, as well as smoking cessation therapy training
40 requirements for pharmacists. Rules adopted pursuant to this section are routine technical
41 rules as defined in Title 5, chapter 375, subchapter 2-A.

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SUMMARY

2 This bill amends the laws governing the practice of pharmacy to expressly include
3 tobacco cessation counseling services and the furnishing of nicotine replacement products
4 approved by the federal Food and Drug Administration. It also requires pharmacists to be
5 reimbursed by the MaineCare program for these services. It requires the Department of
6 Health and Human Services to adopt rules by January 1, 2018 for the reimbursement of
7 pharmacists for counseling services. It also requires the Department of Professional and
8 Financial Regulation, Maine Board of Pharmacy to adopt rules by January 1, 2018 in
9 consultation with the Board of Licensure in Medicine for the provision of tobacco
10 cessation counseling services by pharmacists and the furnishing by pharmacists of
11 nicotine replacement products that are approved by the federal Food and Drug
12 Administration.