

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY

H.P. 1493 - L.D. 2096

**An Act To Save Lives by Capping the Out-of-pocket Cost of Certain Medications**

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

**Whereas,** it is critically important that this legislation take effect before the expiration of the 90-day period; 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:**

**PART A**

**Sec. A-1.** 24-A MRSA §4317-C is enacted to read:

**§4317-C. Coverage for prescription insulin drugs; limit on out-of-pocket costs**

**1. Definition.** As used in this section, "insulin" has the same meaning as in Title 32, section 13786-D, subsection 1, paragraph A.

**2. Limit on out-of-pocket costs.** A carrier that provides coverage for prescription insulin drugs may not impose any deductible, copayment, coinsurance or other cost-sharing requirement on an enrollee for that coverage that results in out-of-pocket costs to the enrollee that exceed \$35 per prescription for a 30-day supply of covered prescription insulin drugs, regardless of the amount of insulin needed to fill the enrollee's insulin prescriptions.

**3. Other cost sharing.** This section does not prevent a carrier from setting an enrollee's cost-sharing requirement for one or more insulin drugs at an amount lower than the maximum amount specified in this section.

**4. Rules.** The superintendent may adopt rules to implement and administer this section to align with applicable federal requirements. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. A-2. Application.** The requirements of this Part apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2021. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

## **PART B**

**Sec. B-1. 32 MRSA §13786-D** is enacted to read:

### **§13786-D. Prescribing and dispensing insulin**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Insulin" includes various types of insulin analogs and insulin-like medications, regardless of activation period or whether the solution is mixed before or after dispensation.

B. "Insulin-related devices and supplies" means needles, syringes, cartridge systems, prefilled pen systems, glucose meters and test strips. "Insulin-related devices and supplies" does not include insulin pump devices.

**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. 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.

**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. 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.