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Public Law
124th Legislature
Second Regular Session

Chapter 581
H.P. 940 - L.D. 1339

An Act To Improve Oversight of Pharmaceutical Purchasing

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

Sec. 1. 22 MRSA §2699, sub-§4, as enacted by PL 2003, c. 456, §1, is amended to read:

4. Enforcement. A violation of this section is a violation of the Maine Unfair Trade Practices Act, for which a fine of not more than \$10,000 may be adjudged. Nothing in this section limits the authority of the Superintendent of Insurance under Title 24-A.

Sec. 2. 22 MRSA §2699, sub-§6 is enacted to read:

6. State contracts. The State Auditor shall work with the Department of Administrative and Financial Services and other state agencies that are covered entities, including, but not limited to, the group health plan established pursuant to Title 5, section 285, that purchase prescription drugs to ensure compliance of a pharmacy benefits manager with the requirements of this section. The State Auditor shall develop appropriate audit procedures that may be used by the State to determine if a pharmacy benefits manager and a pharmacy benefits management contract entered into by the State meet the requirements of this section and other laws applicable to pharmacy benefits. Nothing in this subsection provides the State Auditor with authority over requirements in Title 24-A relating to pharmacy benefits managers.

§2699. Marketing costs

(As enacted by PL 2003, c. 430, §1 and affected by §3 is REALLOCATED TO TITLE 22, SECTION 2698-A)

Sec. 3. 24-A MRSA §601, sub-§28 is enacted to read:

28. Pharmacy benefits manager. Pharmacy benefits manager registration fees may not exceed:

A. Original issuance fee, \$100; and

B. Annual renewal fee, \$100.

Sec. 4. 24-A MRSA §1913 is enacted to read:

§ 1913. Registration of pharmacy benefits managers

Beginning April 1, 2011, a person may not act as a pharmacy benefits manager as defined in Title 22, section 2699, subsection 1, paragraph F in this State without first paying the registration fee required under section 601, subsection 28. The superintendent may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to administer and enforce the registration requirements of this section. The superintendent may enforce this section under sections 220 and 223 and other provisions of this Title.

Effective July 12, 2010