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An Act To Restore Market-based Competition for Pharmacy Benefits Management Services

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

Sec. 1. 22 MRSA §1711-E, sub-§1, ¶G, as enacted by PL 2005, c. 589, §1, is amended to read:

G. "Pharmacy benefits manager" has the same meaning as in ~~section 2699, subsection 1, paragraph F~~ Title 24-A, section 1913, subsection 1, paragraph A.

Sec. 2. 22 MRSA c. 603, sub-c. 4, as amended, is repealed.

Sec. 3. 22 MRSA §8702, sub-§8-B, as amended by PL 2007, c. 695, Pt. A, §26, is further amended to read:

8-B. Pharmacy benefits manager. "Pharmacy benefits manager" ~~means an entity that performs pharmacy benefits management as defined in section 2699, subsection 1, paragraph E~~ has the same meaning as in Title 24-A, section 1913, subsection 1, paragraph A.

Sec. 4. 24-A MRSA §1913, as enacted by PL 2009, c. 581, §4, is repealed and the following enacted in its place:

§ 1913. Registration of pharmacy benefits managers

Beginning April 1, 2011, a person may not act as a pharmacy benefits manager in this State without first paying the registration fee required under section 601, subsection 28.

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Pharmacy benefits manager" means a person or entity that contracts with a plan sponsor, health care service plan, health maintenance organization or insurer to manage or administer a contract, agreement or arrangement between a carrier or administrator and a pharmacy, as defined in Title 32, section 13702-A, subsection 24, in which the pharmacy agrees to provide services to a health plan enrollee whose plan benefits include incentives for the enrollee to use the services of that pharmacy.

2. Rules. 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.

3. Enforcement. The superintendent may enforce this section under sections 220 and 223 and other provisions of this Title.

SUMMARY

The bill repeals the Maine Revised Statutes, Title 22, chapter 603, subchapter 4, which concerned prescription drug practices, and moved certain provisions from that subchapter regarding pharmacy benefits managers to Title 24-A.