

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

—
S.P. 578 - L.D. 1679

**An Act To Conform Maine's Prescription Drug Privacy Laws with the
United States Constitution**

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

Sec. 1. 22 MRSA §1711-E, sub-§1-A, as enacted by PL 2007, c. 460, §1, is repealed.

Sec. 2. 22 MRSA §1711-E, sub-§1-B, as amended by PL 2011, c. 461, §1, is repealed.

Sec. 3. 22 MRSA §1711-E, sub-§2, as amended by PL 2007, c. 460, §1, is further amended to read:

2. Confidentiality of prescription drug information that identifies the individual. A carrier or prescription drug information intermediary may not license, use, sell, transfer or exchange for value, for any marketing purpose, prescription drug information that identifies directly or indirectly the individual who is prescribed the prescription drug.

Sec. 4. 22 MRSA §1711-E, sub-§2-A, as enacted by PL 2007, c. 460, §1, is repealed.

Sec. 5. 22 MRSA §1711-E, sub-§3, as amended by PL 2007, c. 460, §1, is further amended to read:

3. Enforcement. A violation of subsection 2 ~~or 2-A~~ is a violation of the Maine Unfair Trade Practices Act.

Sec. 6. 22 MRSA §1711-E, sub-§4, as enacted by PL 2007, c. 460, §1, is repealed.

Sec. 7. 22 MRSA §8704, sub-§4, as amended by PL 2007, c. 460, §2, is further amended to read:

4. Rulemaking. The board shall adopt rules necessary for the proper administration and enforcement of the requirements of this chapter ~~and to carry out the duties of the~~

~~organization under section 1711-E, subsection 4 and section 8713. All rules must be adopted in accordance with Title 5, chapter 375 and unless otherwise provided are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

Sec. 8. 22 MRSA §8704, sub-§7, as amended by PL 2007, c. 460, §3, is further amended to read:

7. Annual report. The board shall prepare and submit an annual report on the operation of the organization and the Maine Health Data Processing Center as authorized in Title 10, section 681, including any activity contracted for by the organization or contracted services provided by the center, with resulting net earnings, to the Governor and the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than February 1st of each year. The report must include an annual accounting of all revenue received and expenditures incurred in the previous year and all revenue and expenditures planned for the next year. The report must include a list of persons or entities that requested data from the organization in the preceding year with a brief summary of the stated purpose of the request.

~~As part of its annual report, the organization shall report on filings for confidentiality protection under section 1711-E, subsection 4, the disclosure of the names of prescribers who filed for confidentiality protection, funding through the assessment under section 1711-E, subsection 4, paragraph C and recommendations for legislation to improve operation of section 1711-E, subsection 4.~~

Sec. 9. 22 MRSA §8713, as enacted by PL 2007, c. 460, §4, is repealed.

In House of Representatives, 2012

Read twice and passed to be enacted.

..... Speaker

In Senate, 2012

Read twice and passed to be enacted.

..... President

Approved 2012

..... Governor