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Date: (Filing No. S-)

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 828, L.D. 1116, Bill, “An Act To Restore Market-based Competition for Pharmacy Benefits Management Services”

Amend the amendment by inserting after the title the following:

'Amend the bill by inserting before section 1 the following:

'**Sec. 1. 5 MRSA §1816-B** is enacted to read:

§1816-B. Award of pharmacy benefits management contracts

A state agency, public instrumentality, quasi-municipal corporation or other public entity may not contract for pharmacy benefits management services with a health maintenance organization established under Title 24-A, section 4203, a pharmacy benefits manager registered with the Department of Professional and Financial Regulation, Bureau of Insurance under Title 24-A, section 1913 or any other entity for the purpose of management of pharmacy benefits provided by the state agency, public instrumentality, quasi-municipal corporation or other public entity if the health maintenance organization, pharmacy benefits manager or entity that manages pharmacy benefits has in the 3 years prior to the date of the contract, in connection with a bid, proposal or contract with a governmental entity:

- 1. **Misrepresentation or fraud.** Made a misrepresentation of a material fact or committed fraud;
- 2. **Conviction.** Been convicted of a violation of state or federal law; or
- 3. **Assessment of penalty or fine.** Been assessed a penalty or fine of \$500,000 or more in a state or federal administrative proceeding.'

SENATE AMENDMENT

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SUMMARY

This amendment amends Committee Amendment "A". This amendment prohibits a state agency, public instrumentality, quasi-municipal corporation or other public entity from contracting for pharmacy services with an entity that has, within the prior 3 years, misrepresented a material fact or committed fraud, been convicted of a violation of state or federal law or been assessed a penalty or fine of \$500,000 or more.

SPONSORED BY: _____

(Senator CRAVEN)

COUNTY: Androscoggin