

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-THREE

—  
S.P. 562 - L.D. 1395

**An Act to Increase Transparency Regarding Certain Drug Pricing Programs**

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

Sec. 1. 22 MRSA §1728 is enacted to read:

**§1728. Prescription drug transparency report**

**1. Hospital defined.** For purposes of this section, "hospital" means:

A. An acute care institution licensed and operating in this State as a hospital under section 1811 or the parent of such an institution; or

B. A hospital subsidiary or hospital affiliate in the State that provides medical services or medically related diagnostic and laboratory services or engages in ancillary activities supporting those services.

**2. Report on participation in federal 340B drug program.** Beginning January 1, 2024, each hospital participating in the federal drug pricing program under Section 340B of the federal Public Health Service Act, 42 United States Code, Section 256b, referred to in this section as "the 340B program," shall provide an annual report to the Maine Health Data Organization. The Maine Health Data Organization shall post the report on its publicly accessible website. Each hospital shall report in a standardized format as agreed upon by the Maine Health Data Organization and the hospital, and include, at a minimum, the following information in the report consistent with the annual reporting of hospitals voluntarily participating in the good stewardship program of the American Hospital Association or its successor organization:

A. A description of how the hospital uses savings from participation in the 340B program to benefit its community through programs and services funded in whole or in part by savings from the 340B program, including services that support community access to care that the hospital could not continue without savings from the 340B program;

B. The annual estimated savings from the 340B program to the hospital, comparing the acquisition price of drugs under the 340B program to group purchasing organization pricing. If group purchasing organization pricing is not available for a drug under the

340B program, the acquisition price for that drug must be compared to a price from another acceptable pricing source;

C. A comparison of the hospital's estimated savings under the 340B program to the hospital's total drug expenditures, including examples of the hospital's top drugs purchased through the 340B program; and

D. A description of the hospital's internal review and oversight of the 340B program, which must meet the federal Department of Health and Human Services, Health Resources and Services Administration's program rules and guidance for compliance.

**3. Reporting.** The Maine Health Data Organization shall produce and post on its publicly accessible website a report that includes a summary of the aggregate information received from hospitals required to report under subsection 2. The Maine Health Data Organization shall submit the report required by this subsection to the Office of Affordable Health Care, as established in Title 5, section 3122, the Maine Prescription Drug Affordability Board, as established in Title 5, section 12004-G, subsection 14-I, and the joint standing committee of the Legislature having jurisdiction over health data reporting and prescription drug matters.