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#### HOUSE BILL 400

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

### INTRODUCED BY

### Max Coll

## AN ACT

RELATING TO PRESCRIPTION DRUGS; PROVIDING FOR THE LOWEST PRESCRIPTION DRUG PRICE AVAILABLE; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-2-16 NMSA 1978 (being Laws 1974, Chapter 31, Section 1, as amended) is amended to read:

# "27-2-16. COMPLIANCE WITH FEDERAL LAW. --

A. Subject to the availability of state funds, the human services department may provide assistance to aged, blind or disabled individuals in the amounts consistent with federal law to enable the state to be eligible for medicaid funding. Individuals shall be determined to be aged, blind or disabled according to regulations of the human services department.

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B. If drug product selection is permitted by Section 26-3-3 NMSA 1978, reimbursement by the medicald program shall be limited to the [wholesale cost] lowest price available of the lesser expensive therapeutic equivalent drug generally available in New Mexico plus a reasonable dispensing fee [of at least three dollars sixty-five cents (\$3.65)]."

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