AN ACT

RELATING TO PRESCRIPTION DRUG COVERAGE; CHANGING THE NAME OF THE SENIOR PRESCRIPTION DRUG PROGRAM TO THE DISCOUNT PRESCRIPTION DRUG PROGRAM; REMOVING THE AGE REQUIREMENT; CHANGING THE NAME OF THE SENIOR PRESCRIPTION DRUG PROGRAM FUND TO THE DISCOUNT PRESCRIPTION DRUG PROGRAM FUND; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 10-7C-17 NMSA 1978 (being Laws 2002, Chapter 75, Section 2 and Laws 2002, Chapter 80, Section 2, as amended) is amended to read:

"10-7C-17. CREATION OF [SENIOR] DISCOUNT PRESCRIPTION DRUG PROGRAM.--

A. The "[senior] discount prescription drug program" is created in the authority.

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underscored material = new
[bracketed material] = delete

B.   To be eligible for the [senior] discount

prescription drug program, a person shall [(1)] be a resident

of the state [and (2) be sixty-five years of age or older].

C.   Upon a determination that the person qualifies

for the [senior] discount prescription drug program, the

authority may assess an annual administrative fee not to exceed

sixty dollars ($60.00) per year. The authority shall collect

the fees, which shall be used by the authority to cover the

cost of administering the program.

D.   The amount a qualified person pays for a

prescription drug shall not exceed the total cost of the

dispensing fee plus the contracted discounted price made

available to the authority for [this group of seniors] the

prescription drug.

E.   The authority shall enroll and provide

participants with electronic or other form of membership

identification for use by pharmacies for each transaction.

F.   The authority shall actively promote membership

and benefit information on the [senior] discount prescription

drug program to seniors and the general public throughout the

state."

Section 2. Section 10-7C-18 NMSA 1978 (being Laws 2002,

Chapter 75, Section 3 and Laws 2002, Chapter 80, Section 3) is

amended to read:

"10-7C-18. FUND CREATED.--The "[senior] discount

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underscored material = new
[bracketed material] = delete

1 prescription drug program fund" is created in the state

2 treasury. All fees collected pursuant to Subsection C of

3 Section [2 of this act] 10-7C-17 NMSA 1978 and all rebates

4 received from drug manufacturers shall be deposited in the fund

5 and shall be used for the purposes of the [senior] discount

6 prescription drug program. Money appropriated to the fund or

7 accruing to it through rebates, gifts, grants, fees or bequests

8 shall be deposited in the fund. Earnings from investment of

9 the fund shall be credited to the fund. Money in the fund is

10 appropriated to the authority for the purpose of administering

11 the [senior] discount prescription drug program. Money in the

12 fund shall not revert at the end of any fiscal year.

13 Disbursements from the fund shall be made upon warrants drawn

14 by the secretary of finance and administration pursuant to

15 vouchers signed by the director of the authority or [his] the

16 director's authorized representative. The authority shall

17 annually adjust the enrollment fee to permit necessary

18 administration of the program but shall not exceed the amount

19 established in Subsection C of Section [2 of this act] 10-7C-17

20 NMSA 1978."

21   Section 3. Section 10-7C-19 NMSA 1978 (being Laws 2002,

22 Chapter 75, Section 4 and Laws 2002, Chapter 80, Section 4) is

23 amended to read:

24   "10-7C-19. AUDIT--FEE RECOMMENDATION.--Annually the

25 legislative finance committee shall conduct a fiscal audit of

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1   the [senior] discount prescription drug program fund and the

2   administration of the program, including rebates negotiated for

3   the prescription drugs purchased by participants, and shall

4   recommend if and how much of an annual fee is necessary for

5   participants in the program."

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