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HOUSE BILL 243

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO PRESCRIPTION DRUGS; PROVIDING FOR INTERNET-BASED,  
MAIL-ORDER REIMPORTATION OF PRESCRIPTION DRUGS; AMENDING  
CERTAIN SECTIONS OF THE RETIREE HEALTH CARE ACT.

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 DISCOUNT PRESCRIPTION DRUG  
PROGRAM.--

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

B. To be eligible for the discount prescription  
drug program, a person shall be a resident of the state.

C. Upon a determination that the person qualifies

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1 for the discount prescription drug program, the authority may  
2 assess an annual administrative fee not to exceed sixty dollars  
3 (\$60.00) per year. The authority shall collect the fees, which  
4 shall be used by the authority to cover the cost of  
5 administering the program.

6 D. The amount a qualified person pays for a  
7 prescription drug shall not exceed the total cost of the  
8 dispensing fee plus the contracted discounted price made  
9 available to the authority for the prescription drug.

10 E. The authority shall enroll and provide  
11 participants with electronic or other form of membership  
12 identification for use by pharmacies for each transaction.

13 F. The discount prescription drug program may also  
14 include access to the "I-SaveRx" program, an internet-based,  
15 mail-order prescription drug reimportation program developed by  
16 the state of Illinois that allows residents of Illinois and  
17 other participating states to refill prescriptions for the most  
18 common brand-name prescription drugs used to treat chronic  
19 illnesses from pharmacies in Canada and the United Kingdom.  
20 The authority may enter into an agreement with the state of  
21 Illinois to become a participating state in the I-SaveRx  
22 program. The agreement shall include all terms contained in  
23 the standard agreement promulgated by the state of Illinois for  
24 participation in the I-SaveRx program; provided, however, that  
25 the agreement does not conflict with the Procurement Code or

.174729.1

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1 other pertinent section of New Mexico law.

2 [F-] G. The authority shall actively promote  
3 membership and benefit information on the discount prescription  
4 drug program and the I-SaveRx program, if implemented, to  
5 seniors and the general public throughout the state."

6 Section 2. Section 10-7C-18 NMSA 1978 (being Laws 2002,  
7 Chapter 75, Section 3 and Laws 2002, Chapter 80, Section 3, as  
8 amended) is amended to read:

9 "10-7C-18. DISCOUNT PRESCRIPTION DRUG PROGRAM FUND  
10 CREATED.--The "discount prescription drug program fund" is  
11 created in the state treasury. All fees collected pursuant to  
12 Subsection C of Section 10-7C-17 NMSA 1978 and all rebates  
13 received from drug manufacturers shall be deposited in the fund  
14 and shall be used for the purposes of the discount prescription  
15 drug program, including the I-SaveRx program as provided in  
16 Section 10-7C-17 NMSA 1978. Money appropriated to the fund or  
17 accruing to it through rebates, gifts, grants, fees or bequests  
18 shall be deposited in the fund. Earnings from investment of  
19 the fund shall be credited to the fund. Money in the fund is  
20 appropriated to the authority for the purpose of administering  
21 the discount prescription drug program, including the I-SaveRx  
22 program as provided in Section 10-7C-17 NMSA 1978. Money in  
23 the fund shall not revert at the end of any fiscal year.  
24 Disbursements from the fund shall be made upon warrants drawn  
25 by the secretary of finance and administration pursuant to

.174729.1

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1 vouchers signed by the director of the authority or the  
2 director's authorized representative. The authority shall  
3 annually adjust the enrollment fee to permit necessary  
4 administration of the program but shall not exceed the amount  
5 established in Subsection C of Section 10-7C-17 NMSA 1978."

6 Section 3. TEMPORARY PROVISION--INVESTIGATION--REPORT.--

7 The retiree health care authority shall investigate the  
8 feasibility of New Mexico's participation in the I-SaveRx  
9 program and shall present a report on the results of its study  
10 to the interim legislative health and human services committee  
11 at its November 2009 meeting.