

# HOUSE BILL 1034

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By: **Delegate Cullison**

Introduced and read first time: February 5, 2021

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Drug Affordability Board – Plan of Action – Repeal of Date for**  
3 **Submission**

4 FOR the purpose of repealing the date by which the Prescription Drug Affordability Board  
5 is required to submit a certain plan of action regarding the establishment of a process  
6 for setting the upper payment limits for certain prescription drug products to the  
7 Legislative Policy Committee of the General Assembly; and generally relating to the  
8 submission of a plan of action by the Prescription Drug Affordability Board.

9 BY repealing and reenacting, without amendments,  
10 Article – Health – General  
11 Section 21–2C–13(a)  
12 Annotated Code of Maryland  
13 (2019 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 21–2C–13(d)  
17 Annotated Code of Maryland  
18 (2019 Replacement Volume and 2020 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Health – General**

22 21–2C–13.

23 (a) If, under § 21–2C–07 of this subtitle, the Board finds that it is in the best  
24 interest of the State to establish a process for setting upper payment limits for prescription  
25 drug products that it determines have led or will lead to an affordability challenge, the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Board, in conjunction with the Stakeholder Council, shall draft a plan of action for  
2 implementing the process that includes the criteria the Board shall use to set upper  
3 payment limits.

4 (d) (1) If a plan of action is drafted under subsection (a) of this section, [on or  
5 before July 1, 2021,] the Board shall submit the plan of action to the Legislative Policy  
6 Committee of the General Assembly, in accordance with § 2–1257 of the State Government  
7 Article, for its approval.

8 (2) The Legislative Policy Committee shall have 45 days to approve the  
9 plan of action.

10 (3) If the Legislative Policy Committee does not approve the plan of action,  
11 the Board shall submit the plan to the Governor and the Attorney General for approval.

12 (4) The Governor and the Attorney General shall have 45 days to approve  
13 the plan of action.

14 (5) The Board may not set upper payment limits unless the plan is  
15 approved, in accordance with this subsection, by:

16 (i) The Legislative Policy Committee; or

17 (ii) 1. The Governor; and

18 2. The Attorney General.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
20 1, 2021.