STATE OF MAINE
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04333-0001

Janet T. Mills
GOVERNOR

January 10, 2020

Honorable Troy Jackson
Senate President
3 State House Station
Augusta, Maine 04333

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

This letter conveys my position on L.D. 793, An Act to Improve Accountability of Opioid Manufacturers.

Since taking office last year, my Administration has taken substantial steps to combat the opioid epidemic, including appointing a Director of Opioid Response who is overseeing the distribution of 12,000 doses of naloxone, spearheading the training of 200 recovery coaches, and helping create nine new recovery community centers, with more in progress. Working with the Legislature, we lifted the cap on Medication Assisted Treatment and signed into law Good Samaritan legislation. Like you, I share your concerns with and outright anger towards opioid manufacturers whose behavior over the past three decades has created the crisis that has ravaged our communities. I strongly support holding these manufacturers accountable, which is why, as Attorney General, I supported litigation in Maine and nationally against many of these companies and used monies won through settlements to purchase naloxone and provide it to law enforcement officials across the state.

However, I want to raise two significant concerns I have with the approach taken in the enacted version of this legislation.

The bill establishes a new opioid medication product registration fee assessed on all manufacturers of opioid medications that sell, deliver or distribute two million or more units of opioid medication in the state. The amount of the fee is $250,000 per year. In addition, the current state license fee for such companies is increased from $200 currently to $55,000. These fees would be paid into a new Opioid Use Disorder Prevention and Treatment Fund administered by the Department of Health and Human Services.

I am concerned that that these fees will be passed on directly to Maine patients who are already paying outrageous prices for prescription drugs, including those who depend on those drugs for palliative and end-of-life care.

I am also concerned that the bill may have the unintended effect of decreasing the availability of opioid medication to the point where patients with cancer pain, and other painful chronic conditions may have difficulty obtaining medically necessary medication. Generic medications, which make up nearly 90 percent of the controlled substances market, will be particularly impacted by the bill which may have ramifications for patients who rely on generics to afford their prescriptions.

I note, and welcome, the provision in the bill that requires the Board of Pharmacy to report annually to the Legislature on whether the increased fees have created any unintended consequences in the availability of opioid medications for the treatment of chronic or intractable pain. I strongly encourage the legislature to study this report to ensure that the concerns I have expressed here are not in fact realized. Hopeful that this diligence will help avoid such undesirable consequences, with these caveats I am permitting L.D. 793, An Act to Improve Accountability of Opioid Manufacturers, to become law without my signature.

Sincerely,

Janet T. Mills
Governor

Cc: Chairs of the Committee on Judiciary