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HOUSE BILL 440

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

INTRODUCED BY

Brian K. Moore

AN ACT

**RELATING TO PRESCRIPTION DRUGS; ELIMINATING THE MINIMUM
DISPENSING FEE AMOUNT; 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.**

B. If drug product selection is permitted by

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Section 26-3-3 NMSA 1978, reimbursement by the medicaid
2 program shall be limited to the wholesale cost of the lesser
3 expensive therapeutic equivalent drug generally available in
4 New Mexico plus a reasonable dispensing fee [~~of at least three~~
5 ~~dollars sixty five cents (\$3.65)~~]. "

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