MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 729

H.P. 538

House of Representatives, February 4, 1997

An Act to Amend the Maine Pharmacy Act.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative BRUNO of Raymond.

_	Be it enacted by the People of the State of Maine as follows:
2	<pre>Sec. 1. 5 MRSA §12004-A, sub-§30, as amended by PL 1989, c. 503, Pt. A, §5, is repealed.</pre>
6	Sec. 2. 5 MRSA §12004-A, sub-§30-A is enacted to read:
8	30-A. Maine Board \$35/Day 32 MRSA \$13711 of Pharmacy
10 12	Sec. 3. 32 MRSA §13702, sub-§1, as enacted by PL 1987, c. 710, §5, is amended to read:
14	1. Board. "Board" means the Maine Board of Gemmissieners-ef the-Prefessien-ef Pharmacy.
16	Sec. 4. 32 MRSA §13702, sub-§19-A is enacted to read:
20	19-A. Pharmacy technician. "Pharmacy technician" means a person employed by a pharmacy who works in a supportive role to,
22	and under the direct supervision of, a licensed pharmacist.
24	Sec. 5. 32 MRSA c. 117, sub-c. II, first 3 lines, are repealed and the following enacted in their place:
26	SUBCHAPTER II
26	SUBCHAPTER II MAINE BOARD OF PHARMACY
28	
28 30 32	MAINE BOARD OF PHARMACY Sec. 6. 32 MRSA §13711, as enacted by PL 1987, c. 710, §5, is
28 30 32 34 36	Sec. 6. 32 MRSA §13711, as enacted by PL 1987, c. 710, §5, is amended to read: §13711. Establishment There is established, within the department, in accordance with Title 5, chapter 379, the Maine Board of Gemmissioners-of the-Profession-of Pharmacy. The board has all of the duties,
28 30 32 34 36 38	Sec. 6. 32 MRSA §13711, as enacted by PL 1987, c. 710, §5, is amended to read: \$13711. Establishment There is established, within the department, in accordance with Title 5, chapter 379, the Maine Board of Commissioners-of
28 30 32 34 36	Sec. 6. 32 MRSA §13711, as enacted by PL 1987, c. 710, §5, is amended to read: §13711. Establishment There is established, within the department, in accordance with Title 5, chapter 379, the Maine Board of Commissioners-of the-Profession-of Pharmacy. The board has all of the duties, powers and authority specifically granted by and necessary to the
28 30 32 34 36 38 40 42	Sec. 6. 32 MRSA §13711, as enacted by PL 1987, c. 710, §5, is amended to read: \$13711. Establishment There is established, within the department, in accordance with Title 5, chapter 379, the Maine Board of Commissioners of the Profession of Pharmacy. The board has all of the duties, powers and authority specifically granted by and necessary to the enforcement of this Act. Sec. 7. 32 MRSA §13721, sub-§1, ¶H, as enacted by PL 1987, c. 710, §5, is amended to read: H. The registration of pharmacy technicians and adoption of rules of governing the training, qualification and
28 30 32 34 36 38 40	Sec. 6. 32 MRSA §13711, as enacted by PL 1987, c. 710, §5, is amended to read: \$13711. Establishment There is established, within the department, in accordance with Title 5, chapter 379, the Maine Board of Gemmissioners-of the-Profession-of Pharmacy. The board has all of the duties, powers and authority specifically granted by and necessary to the enforcement of this Act. Sec. 7. 32 MRSA §13721, sub-§1, ¶H, as enacted by PL 1987, c. 710, §5, is amended to read: H. The registration of pharmacy technicians and adoption of

	2. Reciprocal inspections. The Beard-of-Commissioners-of									
2	thePrefessionefPharmacy board may enter into reciprocal									
	inspection agreements with any state in which a mail order									
4	prescription facility selling drugs to Maine citizens is located.									
6	Sec. 9. 32 MRSA §13723, sub-§5, ¶¶G and H, as enacted by PL									
U	1987, c. 710, §5, are amended to read:									
8	1907, C. 710, 35, are amended to read.									
J	G. The issuance of a certificate of registration									
10	necessitated by a change in the pharmacist responsible for									
	the license, which fee shall may not exceed \$100; and									
12										
	H. The certification of an approved provider of continuing									
14	education courses, which fee shall may not exceed \$100 p									
	year, provided that a provider approved by the American									
16	Council of Pharmaceutical Education is exempt from the fe									
	established in this paragraph r; and									
18	C									
0:0	Sec. 10. 32 MRSA §13723, sub-§5, ¶I is enacted to read:									
20	The throughout the control of the co									
22	I. The issuance of a certificate of registration for a pharmacy technician, which fee may not exceed \$25.									
22	pharmacy technician, which lee may not exceed \$23.									
24	Sec. 11. 32 MRSA §13758, sub-§2, as enacted by PL 1987, c.									
 1	710, §5, is amended to read:									
26										
	2. Registration, manufacturers and wholesalers. All									
28	manufacturers and wholesalers whose products are distributed in									
	the State in any manner shall register with the Beardef									
30	Commissioners-of-the-Profession-of-Pharmacy board.									
	C . 10 20 BEDCA 010880									
32	Sec. 12. 32 MRSA §13773, as amended by PL 1989, c. 720, §1,									
•	is further amended to read:									
34	Program Welling									
2.6	§13773. Notice									
36	A 2nd narty proggnintion program may not be instituted in									
38	A 3rd-party prescription program may not be instituted in this State until the program provider has filed written notice of									
30										
40	the provisions of the program with the Superintendent of Insurance and the BeardofCommissionersoftheProfessionef									
40	Pharmacy board and given written notice to all pharmacies that									
42	are located within the counties covered by the program at least									
	30 days prior to the commencement of the program. In the case of									
44	chain or branch pharmacies, the notice must be given to the main									
	office or headquarters. These pharmacies shall have 30 days from									
46	the date of notice to enroll in the program.									
48	Sec. 13. 32 MRSA §13795, sub-§1, ¶E, as enacted by PL 1995, c.									
	175, §1, is amended to read:									

50

	E. Other		valid,		tamper-resistant,				photographic		
2	ident	ification	as pro	vided	in r	ules	adopted	by 1	the	Beard	-0€
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l l	to s	section :	13722,	subse	ction	a 1,	paragr	aph	Α	and	in
	accor	dance wit	h Title	5, ch	apter	375.					
5											

Sec. 14. Maine Revised Statutes amended; revision clause.

8 Wherever in the Maine Revised Statutes the words "Board of Commissioners of the Profession of Pharmacy" appear or reference is made to those words, they are amended to read and mean "Maine Board of Pharmacy," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

statutes

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SUMMARY

The purpose of this bill is to simplify the title of the Board of Commissioners of the Profession of Pharmacy, to include in the Maine Pharmacy Act a definition of "pharmacy technician" and to authorize the board to establish a fee, not to exceed \$25, for the annual registration of pharmacy technicians.