

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 251

H.P. 197

House of Representatives, January 27, 2009

**An Act To Protect the Safety of Maine Children by Requiring the  
Express Consent of a Legal Guardian To Dispense Prescription  
Medication to a Minor**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CEBRA of Naples.

Cosponsored by Representative TARDY of Newport, Senator PLOWMAN of Penobscot and  
Representatives: AUSTIN of Gray, FITTS of Pittsfield, JOY of Crystal, SARTY of Denmark,  
SYKES of Harrison, THOMAS of Ripley.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2699-A** is enacted to read:

3 **§2699-A. Dispensing prescription drugs to minors**

4 A prescription drug may not be dispensed to a minor without the express consent of  
5 the minor's legal guardian except under the following conditions:

6 **1. Living independent of parental support.** The minor has lived separately from  
7 both of the minor's parents or any legal guardian for at least 60 days and is independent of  
8 parental or guardian support;

9 **2. Married.** The minor is or was married;

10 **3. Serving in the armed forces.** The minor is or was a member of the Armed  
11 Forces of the United States; or

12 **4. Emancipated.** The minor has been emancipated pursuant to Title 15, section  
13 3506-A or has been legally emancipated in another jurisdiction.

14 **SUMMARY**

15 This bill prohibits dispensing prescription drugs to a minor without express consent  
16 from the minor's parents or legal guardian unless the minor is living independently of  
17 parental or guardian support, is or was married, is or was serving in the Armed Forces of  
18 the United States or has been legally emancipated.