

MAINE STATE LEGISLATURE

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January 19, 1976

John Smiley, Director, Division of
Animal Industry
David Roseman, Assistant

Agriculture
Attorney General

Sale of biologics

You have stated that a certain mid-West veterinarian has allegedly "shipped" biological products containing living organisms and viruses to individuals in Maine who are not veterinarians. Your question is whether this mid-West veterinarian has violated 7 M.R.S.A. § 1808.

There is nothing in 7 M.R.S.A. § 1808, nor in the regulation adopted pursuant thereto, which expressly prohibits an out-of-state veterinarian from shipping biological products containing living organisms or viruses to an individual in Maine who is not a veterinarian. If, however, these biologics are being offered for use in the treatment or prevention of diseases of domestic animals, 7 M.R.S.A. § 1808 does prohibit, among other things, the sale, distribution or importation within the State of the biologics without having first obtained the approval and written permission of the Commissioner of Agriculture or his agent in charge of livestock sanitary work. Assuming the biologics are offered for use as specified above, and assuming that the mid-West veterinarian has sold, distributed or imported the biologics within the State without first obtaining the required permission, he has violated 7 M.R.S.A. § 1808. (The criminal penalties imposed for a violation of this statute are contained in 7 M.R.S.A. § 1706.) However, without additional specific facts we cannot determine whether the veterinarian has, in fact, sold, distributed or imported the biologics within the State. Therefore, we cannot render an opinion as to whether there has, in fact, been a violation of 7 M.R.S.A. § 1808.

DAVID ROSEMAN
Assistant Attorney General

DR:mfe

1/ See Regulation 36 contained in the booklet published by the Maine Department of Agriculture entitled "Laws and Regulations Relating to Disease Control of Domestic Animals and Poultry." Regulation 36 deals with biologics containing living organisms.