

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1118

H. P. 804

House of Representatives, February 1, 1961

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mrs. Knapp of Yarmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Sale of Drugs and Medicines.

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

Sec. 1. R. S., c. 68, § 14, amended. The 2nd paragraph of section 14 of chapter 68 of the Revised Statutes, as amended by section 11 of chapter 304 of the public laws of 1957, is repealed.

Sec. 2. R. S., c. 68, § 14-A, additional. Chapter 68 of the Revised Statutes is amended by adding a new section to be numbered 14-A, to read as follows:

‘Sec. 14-A. Sale of drugs and medicines. No person shall sell or offer for sale at retail, or dispense or give away, any drug or medicine to any person except a physician, dentist, or veterinarian, or his expressly authorized representative, without a permit to dispense from the commissioners of the profession of pharmacy.

This section shall not apply to the personal administration of medicine or drugs by a hospital, sanatorium, physician, dentist or veterinarian, or their registered nurses, nor to delivery of drugs to a patient, either in a single dose, or in a quantity which in the opinion of the physician or dentist acting in good faith and in the legitimate practice of medicine, dentistry or veterinary medicine is essential for the proper treatment of the patient, provided that such amount or quantity shall not exceed that needed for the immediate treatment of the patient, and that all further drugs or medicines needed for further treatment or use of the patient shall be ordered by the physician, dentist or veterinarian by the delivery to the patient of a prescription for the same, excepting in cases where a modification of the original treatment is indicated the physician, dentist or veterinarian may provide any harmful drug immediately needed for the

treatment. Whenever a physician, dentist, or veterinarian delivers a drug or medicine to the patient for his immediate needs, he shall affix to the container thereof a label bearing his name and address, the date, the name and address of the patient, directions for use and any cautionary statements that are necessary.

This section shall not apply to non-poisonous patent or proprietary medicines when sold in original and unbroken packages nor to the following remedies; alum, chloride of lime, vaseline, petroleum jelly, cream of tartar, borax, baking soda, castor oil, flax seed, carbonate of soda, ammonia, sulphur, olive oil, saltpetre, epsom salts, cotton seed oil, cod liver oil, linseed oil, flavoring extracts, boric acid, aromatic spirits ammonia, iso-propyl alcohol, acetic acid, citric acid, camphorated oil, camphor, chalk, flexible collodion, essence of peppermint, witch hazel, glauber salts, glycerine, gum arabic, peroxide hydrogen, milk of magnesia, aspirin, oil sweet almond, mineral oil U. S. P., zinc oxide treatment, seidlitz powders, rochelle salts, senna leaves, antiseptic solution N. F., solution citrate magnesia U. S. P., sugar of milk, soda mint tablets, and compound tincture benzoin nor to Paris green London purple or other poisonous preparations or compounds used for the destruction of bugs, beetles, insects, slugs, grubs and fungi provided that the package is properly labeled. In municipalities where registered apothecaries are not located and where necessity exists for some means of obtaining drugs and medicines, the commission shall designate such drugs and medicines other than those designated in this section, as might with safety to the public health be sold in original packages as and when put up and labeled by qualified pharmacists.

Whoever for the purpose of evading or assisting in the evasion of any provision of this section shall falsely represent that he is a physician, dentist or veterinarian, or that he is a licensed pharmacist, or violates any provision of this section in any other respect shall be guilty of a misdemeanor and upon conviction by law punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or by both.'