

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 386

H. P. 265

House of Representatives, January 26, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Gill of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Revising the Drug, Narcotic and Pharmacy Laws.

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

Sec. 1. R. S., T. 22, § 2206, amended. The first sentence of section 2206 of Title 22 of the Revised Statutes is amended to read as follows:

No person, except a registered apothecary, **wholesaler, registered hospital pharmacy** or a physician of regular standing in his profession, shall furnish, sell or keep for sale any opium, morphine, laudanum, **marijuana** or preparations containing opium, morphine, **marijuana** or derivative of opium.

Sec. 2. R. S., T. 22, § 2212, amended. Section 2212 of Title 22 of the Revised Statutes is amended to read as follows:

§ 2212. Using drugs not in prescription

Whoever, engaged in the business of an apothecary, knowingly uses any drugs or ingredients in preparing or compounding a written **or oral** prescription of any physician different from those named in the prescription, shall upon conviction thereof be punished by a fine of not less than \$50 nor more than \$1,000.

Sec. 3. R. S., T. 22, § 2212-A, additional. Title 22 of the Revised Statutes is amended by adding a new section 2212-A, to read as follows:

§ 2212-A. Refill prescriptions

No prescription for depressant or stimulant drugs shall be refilled from a copy of the original prescription. Whoever violates any provision of this section

shall upon conviction thereof be punished by a fine of not less than \$50 nor more than \$1,000 for each offense.

Whoever is found in possession of any such drugs issued in violation of this section shall upon conviction thereof be punished by a fine of not less than \$50 nor more than \$1,000.

Sec. 4. R. S., T. 22, § 2212-B, additional. Title 22 of the Revised Statutes is amended by adding a new section 2212-B, to read as follows:

§ 2212-B. Possession of certain drugs

Whoever, except the laboratory of the Department of Health and Welfare, and research centers and laboratories licensed under section 2368-A is found in possession of d-lysergic acid diethylamide (LSD-25), peyote, mescaline and its salts, dimethyltryptamine (DMT), psilocin or psilocybin, shall upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

Sec. 5. R. S., T. 22, § 2215, amended. Section 2215 of Title 22 of the Revised Statutes, as amended by section 3 of chapter 359 of the public laws of 1965, is further amended to read as follows:

§ 2215. Violations generally

Whoever violates any provision of sections 2201 and or 2210 or is found to be under the influence of any of the substances enumerated in section 2210 in any street, highway or other public place shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years, or by both, for each offense.

Sec. 6. R. S., T. 22, § 2368-A, additional. Title 22 of the Revised Statutes is amended by adding a new section, 2368-A, to read as follows:

§ 2368-A. Hallucinatory drugs

No person shall manufacture, compound, mix, cultivate, grow or by any other process produce or prepare hallucinatory agents having the potential for abuse because of their hallucinatory effect, such as d-lysergic acid diethylamide (LSD-25), peyote, mescaline and its salts, dimethyltryptamine (DMT), psilocin or psilocybin, unless for laboratory work or research. Laboratories and research centers using these drugs shall be licensed and regulated by the Bureau of Health.

Sec. 7. R. S., T. 22, § 2369, amended. The first sentence of section 2369 of Title 22 of the Revised Statutes is amended to read as follows:

No license shall be issued under section 2368 or section 2368-A, unless and until the applicant therefor has furnished proof satisfactory to the Bureau of Health:

Sec. 8. R. S., T. 22, § 2372, sub-§ 5, amended. The 4th sentence of subsection 5 of section 2372 of Title 22 of the Revised Statutes is amended to read as follows:

The record of all narcotic drugs sold, administered, dispensed or otherwise disposed of shall show the date of selling, administering or dispensing, the name

and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs; **and such record shall contain the signature of the person purchasing such drugs, who shall be subject to the penalties of section 2380 for not affixing his signature thereto.**

Sec. 9. R. S., T. 22, § 2374, amended. The first sentence of section 2374 of Title 22 of the Revised Statutes is amended to read as follows:

Prescriptions, orders and records required by this chapter and stocks of narcotic drugs shall be open for inspection only to **the Board of Commissioners of the Profession of Pharmacy and to** federal, state, county and municipal officers whose duty it is to enforce the laws of this State or of the United States relating to narcotic drugs.

Sec. 10. R. S., T. 22, § 2375, sub-§ 1, amended. The first paragraph of subsection 1 of section 2375 of Title 22 of the Revised Statutes is amended to read as follows:

No person shall obtain or attempt to obtain a narcotic, **depressant, or stimulant drug, or hallucinogenic agent listed in section 2212-B, or any potent medicinal substance designated pursuant to section 2201,** or procure or attempt to procure the administration of ~~a narcotic~~ **such drug, agent or substance:**

Sec. 11. R. S., T. 32, § 2851, sub-§ 3, amended. Subsection 3 of section 2851 of Title 32 of the Revised Statutes is amended to read as follows:

3. **Inspection; analysis; sales.** To inspect during business hours all apothecaries, dispensaries, stores, **hospital pharmacies, extended care homes, boarding homes, nursing homes** or places in which drugs or medicines are manufactured, stored, distributed, compounded, dispensed or retailed, and to regulate and to control **the distribution and** the sale, character and standard of all drugs, poisons and medicines compounded, dispensed or distributed in this State; to secure sample and cause them to be analyzed; and to prevent the sale of such drugs, poisons or medicines as do not conform to the laws of the State;

Sec. 12. R. S., T. 32, § 2851, amended. The first sentence of the last paragraph of section 2851 of Title 32 of the Revised Statutes is amended to read as follows:

The members of the board shall each receive as compensation for their services ~~\$20~~ **\$32** per day for the time actually spent and their necessary expenses incurred in the discharge of their duties.

Sec. 13. R. S., T. 32, § 2853, amended. Section 2853 of Title 32 of the Revised Statutes is amended to read as follows:

§ 2853. Employees

The board shall be empowered to appoint and remove, subject to the Personnel Law, ~~a drug inspector~~ **inspectors** to enforce this chapter and Title 22, chapter 551, subchapter II and chapter 557 and the rules and regulations of the board.

Sec. 14. R. S., T. 32 § 2855, amended. The second sentence of section 2855 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

Such complaints shall be submitted in writing to the board.

Sec. 15. R. S., T. 32, § 2901, amended. The first sentence of the 2nd paragraph of section 2901 of Title 32 of the Revised Statutes is amended to read as follows: The application for such a permit shall be made on a form to be prescribed and furnished by said board and shall be accompanied by the required fee of ~~\$15~~ **\$25**, which amount shall also be paid for each renewal of such permit.

Sec. 16. R. S., T. 32, § 2901, sub-§ 2, amended. Subsection 2 of section 2901 of Title 32 of the Revised Statutes is amended to read as follows:

2. Operated without endangering public health or safety. That the location and ~~appointments~~ **professional pharmaceutical services rendered and personal conduct** of said apothecary store are such that it can be operated and maintained without endangering the public health or safety; and

Sec. 17. R. S., T. 32, § 2902, amended. The first sentence of section 2902 of Title 32 of the Revised Statutes is amended to read as follows:

Every person not already registered, entering upon the practice of pharmacy, upon the payment of a fee of ~~\$25~~ **\$35** to the secretary of said board, except as otherwise provided, shall be examined by said commissioners and shall present to them satisfactory evidence that he had been graduated from some regularly incorporated college of pharmacy and has been employed in an apothecary store for at least one year, and is competent for the practice of pharmacy.

Sec. 18. R. S., T. 32, § 2902, amended. The last paragraph of section 2902 of Title 32 of the Revised Statutes, as repealed and replaced by section 70 of chapter 513 of the public laws of 1965, is amended to read as follows:

Every person holding a valid and unexpired certificate of registration as a ~~registered~~ **qualified** assistant pharmacist, in the State of Maine, on July 1, 1960, may be permitted to qualify as a registered pharmacist by examination as such, provided such a registered assistant pharmacist has held such a certificate for a minimum of 5 years and shall have been in actual practice as a registered assistant as actively engaged in retail or hospital practice of pharmacy for a minimum of at least 3 years immediately preceding the date of his application for examination by the Maine State Board of Commissioners of the Profession of Pharmacy as a registered pharmacist.

Sec. 19. R. S., T. 32, § 2903, amended. The first sentence of section 2903 of Title 32 of the Revised Statutes is amended to read as follows:

Every registered pharmacist and every qualified assistant who desires to continue to practice pharmacy in this State shall annually, after the expiration of the first year of his registration, on or before the last day of June, pay a renewal fee of ~~\$3~~ **\$5** to the secretary of the board, in return for which a renewal registration shall be issued.

Sec. 20. R. S., T. 32, § 2904, additional. Title 32 of the Revised Statutes is amended by adding a new section 2904, to read as follows:

§ 2904. Registration of wholesale dealers

It shall be unlawful for any person, copartnership, association or corporation to sell at wholesale any drug bearing on its container the legend "Caution — Federal U. S. A. law prohibits dispensing without prescription," or any drug which may not be dispensed without prescription in this State, within this State without first having obtained a permit to do so from the board. Such permit shall be renewed annually.

The application for such permit shall be made on a form to be prescribed and furnished by said board and shall be accompanied by a fee of \$100 which amount shall be paid for each renewal of such permit.

Whoever violates any provision of this section shall upon conviction be punished by a fine of not less than \$50 nor more than \$1,000 for each offense.