

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND FOURTH LEGISLATURE

---

---

Legislative Document

No. 1496

H. P. 1175

House of Representatives, May 7, 1969

Reported by Mr. Soulas from Committee on Health and Institutional Services. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

---

AN ACT to Revise the Pharmacy Laws.

---

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

Sec. 1. R. S., T. 22, §§ 2204-A - 2204-C, additional. Title 22 of the Revised Statutes is amended by adding 3 new sections to read as follows :

§ 2204-A. Labeling of prescriptions

Every drug dispensed pursuant to prescription, whether for a legend drug or not shall carry on the label thereto the following information: The prescription number, the date of original filling, the patient's name, adequate directions for use, the name of the medical practitioner prescribing said drug, and the name and address of the pharmacy wherein the prescription was compounded and dispensed. If the manufacturer's label contained an expiration date for the drug, the expiration date shall be included on the prescription label.

§ 2204-B. Possession of drug samples

No person shall purchase manufacturers' drug samples from any person for purposes of resale. If such samples are given gratuitously to a registered pharmacist, qualified assistant pharmacist or medical practitioner, he may give any such sample to any person, provided that any such sample is kept in containers suitably labelled to conform to the Federal Food and Drug Act and the state food and drug statutes and provided further that such gift shall be subject to the Revised Statutes of the State of Maine relating to the sale of drugs.

§ 2204-C. Possession of harmful drugs

Whoever not being a manufacturer, wholesaler duly licensed, medical practitioner, licensed pharmacist or agent or common carrier delivering between the above mentioned, who is found in possession of harmful drugs, except if obtained on a bona fide prescription of a medical practitioner, shall be guilty of a misdemeanor and may be fined up to \$1,000 or be imprisoned for up to one year, or both.

**Sec. 2. R. S., T. 22, § 2212-C, additional.** Title 22 of the Revised Statutes is amended by adding a new section 2212-C, to read as follows:

**§ 2212-C. Return of drugs prohibited**

A drug of pharmaceutical preparation which has been dispensed on prescription shall not be returned to pharmacy stock after being in the possession and under the control of another person and shall not be dispensed again. This section shall not apply to pharmaceutical preparations dispensed by a facility operated by the State of Maine or a hospital regulated by the Department of Health and Welfare, the possession of which preparation is continuously maintained in the facility operated by the State of Maine, the hospital or their agents.

**Sec. 3. R. S., T. 32, § 2801, amended.** The first sentence of the 2nd paragraph of section 2801 of Title 32 of the Revised Statutes is amended to read as follows:

This section shall not apply to ~~physicians~~ **medical practitioners who supply medicines to their bona fide patients pursuant to the laws of the State of Maine governing their professions; to hospitals and sanatoriums who supply medicines to their bona fide patients and are regulated by the Department of Health and Welfare; to public health nurses in the course of programs accepted by the Department of Health and Welfare;** nor to nonpoisonous patent or proprietary medicines when sold in original and unbroken packages nor to the following remedies; alum, chloride of lime, petroleum jelly, cream of tartar, borax, baking soda, castor oil, flax seed, bicarbonate of soda, ammonia, sulphur, olive oil, saltpetre, epsom salts, cotton seed oil, cod liver oil, linseed oil, flavoring extracts, boric acid, aromatic spirits ammonia, isopropyl alcohol, acetic acid, citric acid, 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 ointment, seidlitz powders, rochelle salts, senna leaves, antiseptic solution N. F., solution citrate magnesia N. F., sugar of milk, soda mint tablets and compound tincture benzoin; nor to compounds used for the destruction of bugs, beetles, insects, slugs, grubs and fungi provided that the package is properly labeled.

**Sec. 4. R. S., T. 32, § 2801, amended.** Section 2801 of Title 32 of the Revised Statutes, as amended by chapter 329 of the public laws of 1965, is further amended by adding at the end of the following paragraphs:

**Any person conducting the business of a pharmacy as provided in this chapter shall first register said store as a duly licensed pharmacy.**

No person other than a registered pharmacist or qualified assistant pharmacist shall engage in the practice of pharmacy, provided however that any person registered as a licensed pharmacy intern may undertake any of the above functions provided he is under the actual and direct supervision of a registered pharmacist or qualified assistant pharmacist wherein the actual activities of the intern may be visually observed.

Sec. 5. R. S., T. 32, § 2802, amended. Section 2802 of Title 32 of the Revised Statutes is amended by adding at the end the following new paragraph:

Any person may enter upon the business of a pharmacy without the certificate required by this chapter, provided he does not personally do the duties of a pharmacist, but employs a duly registered pharmacist in whose name the store license shall be issued and has sole charge of the practice of pharmacy, and provided said person complies with all the conditions required for licensing said store as provided in this chapter, and provided the board is satisfied that the management of the store will be vested with the registered pharmacist so licensing the store in all matters directly or indirectly related to the practice of pharmacy and in matters affecting the public health, welfare and safety of the community.

Sec. 6. R. S., T. 32, § 2803, repealed and replaced. Section 2803 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2803. Use of pharmacist's name forbidden

No registered pharmacist shall suffer or permit the use of his name or certificate of registration in the conduct of business of pharmacy when he himself is not actively engaged in such business in the store where his certificate is displayed for at least 40 hours in each business week.

Sec. 7. R. S., T. 32, § 2805, additional. Title 32 of the Revised Statutes is amended by adding a new section 2805, to read as follows:

§ 2805. Definitions

These definitions shall be generally applicable to all titles, chapters and sections of the Revised Statutes relating to pharmacists and pharmacies.

1. Board of Registration in Pharmacy. "Board" or "Board of Registration in Pharmacy" or "Board of Commissioners of Pharmacy" shall mean and be interpreted as the Board of Commissioners of the Profession of Pharmacy of the State of Maine.

2. Chemicals. "Chemicals" means all medicinal or industrial substances, whether simple or compound, or obtained through the process of the science and art of chemistry, whether of organic or inorganic origin.

3. Dentist. "Dentist" shall mean any natural person authorized by law to practice the profession of dentistry within the State of Maine, provided his license is in full force and effect.

4. Drug. "Drug" means all medicinal substances and preparations recognized by the United States Pharmacopeia and National Formulary, or any

revision thereof, and all substances and preparations intended for external and internal use in the cure, mitigation, treatment or prevention of disease in man or animal, and all substances and preparations other than food, intended to affect the structure or any function of the body of man or other animal.

5. Economic poison. "Economic poison" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects, rodents, fungi, weeds or other forms of plant or animal life or viruses, except viruses on or in living man.

6. Harmful drug. "Harmful drugs" shall include in addition to all legend drugs, and drug containing any salt, alkaloid or derivative of amphetamine, barbituric acid or ergot.

7. Label. "Label" means a display of written, printed or graphic matter upon the immediate container of any article, or on the outside of any wrapper of any article if any there be.

8. Labeling. "Labeling" means all attached labels of written, printed or graphic material, or any written, printed or graphic matter accompanying such article.

9. Legend drug. "Legend drug" shall mean and include any preparation or device containing on the label the verbage: "Caution: Federal law prohibits dispensing without prescription."

10. Licensed pharmacy intern. "Licensed pharmacy intern" shall include and mean any natural person duly licensed by the Board of Commissioners of the Profession of Pharmacy of the State of Maine as a "licensed pharmacy intern" provided said license is in full force and effect.

11. Manufacturing. "Manufacturing", in places other than a pharmacy, means and includes the production, quality control and standardization by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling or by any other means or processes, or all drugs, medicines, chemicals or poisons, without exception, for medicinal purposes.

12. Medical practitioner. "Medical practitioner" shall mean a natural person who is authorized by law to practice medicine, osteopathy, dentistry, veterinary medicine or any other health profession wherein the laws of the State of Maine allow him to prescribe drugs, medicines or poisons under a bona fide patient relationship and provided said medical practitioner has a license to practice his profession within the State of Maine which license is in full force and effect.

13. Medicine. "Medicine" means and includes drugs or chemicals or preparations thereof in suitable form intended for and having for their main use the prevention, treatment, relief or cure of diseases in man or animals when used either internally or externally.

14. Official compendia. "Official compendia" shall mean the latest editions of the United States Pharmacopeia and the National Formulary.

15. Osteopath. "Osteopath" shall mean any natural person authorized by law to practice the profession of osteopathy within the State of Maine, provided his license is in full force and effect.

16. Person. "Person" shall mean and include a natural person, copartnership, association or corporation either foreign or domestic.

17. Pharmaceutical preparation. "Pharmaceutical preparation" shall include any substance or combination of substances that may by definition be classified as a drug.

18. Pharmacist. "Pharmacist" shall include and mean any natural person licensed as a pharmacist or apothecary to compound, dispense and sell drugs, medicines and poisons, provided said person is licensed by the Board of Commissioners of the Profession of Pharmacy of the State of Maine and provided said license is in full force and effect. The term a pharmacist shall also include and be synonymous with the term "apothecary" or "licensed apothecary" or "registered apothecary" or "licensed pharmacist" or "registered pharmacist."

19. Pharmacy. "Pharmacy" or drug store means and includes every store or shop or entity or location where drugs, medicines or poisons are dispensed or sold or offered for sale at retail or displayed for sale at retail, or where prescriptions of physicians, dentists, veterinarians or other health practitioners are compounded, filled or dispensed; or which has upon it or displayed within it or affixed to or used in connection with it, a sign or signs bearing the word or words "pharmacist," "druggists," "pharmacy," "apothecary," "drugstore," "medicine shop or store," "prescriptions," "drugs," "medicines," "drug sundries," or any word or words or similar or like meaning, either in the English language or any other language or where the characteristic Rx sign or similar design is exhibited. The term "a pharmacy" or a drugstore as used and defined herein shall not include any such facility operated by or within a facility operated by the State of Maine or any such facility within a hospital regulated by the Department of Health and Welfare.

20. Physician. "Physician" shall mean any natural person authorized by law to practice medicine within the State of Maine provided his license is in full force and effect.

21. Poison. "Poison" means any substance when taken by mouth in amounts of 60 grains, 4 grams or less, or when inhaled in concentrations of less than 200 parts per million by volume in air, produces violent, morbid or fatal changes or which destroys living tissue with which it comes in contact but such term shall not include "economic poisons."

22. Practice of pharmacy. "Practice of pharmacy" shall mean and include the compounding, dispensing, recommending or advising concerning contents and therapeutic values and uses, offering for sale or selling at retail, drugs, medicines or poisons, whenever pursuant to orders or prescriptions of duly licensed medical practitioners.

23. Prescription. "Prescription" shall mean any order, written or verbal by a physician, dentist, veterinarian or other duly licensed and authorized medical practitioner for any drug, medicine or poison.

24. **Qualified assistant pharmacist.** "Qualified assistant pharmacist" as used herein shall be limited to any natural person duly licensed by the Board of Commissioners of the Profession of Pharmacy of the State of Maine as a qualified assistant apothecary or qualified assistant, or assistant pharmacist and shall be synonymous with same provided said license is in full force and effect.

25. **Veterinarian.** "Veterinarian" shall mean any natural person authorized by law to practice veterinary medicine within the State of Maine provided his license is in full force and effect.

26. **Wholesale.** "Wholesale" shall mean any sale for the purpose of resale.

**Sec. 8. R. S., T. 32, § 2851, amended.** The first paragraph of section 2851 of Title 32 of the Revised Statutes is amended by inserting after the 3rd sentence the following:

No person shall be appointed to serve as a commissioner unless he has had at least 10 years experience in the practice of pharmacy as a registered pharmacist, prior to his appointment. At no time shall there be less than 3 commissioners serving on the board who do not possess a degree in pharmacy from an accredited college of pharmacy.

**Sec. 9. R. S., T. 32, § 2851, sub-§ 1, amended.** Subsection 1 of section 2851 of Title 32 of the Revised Statutes is amended by adding at the end the following 2 paragraphs:

The board shall be empowered to retain counsel in connection herewith provided that said legal expense shall not exceed \$3,000 in any fiscal year.

**Sec. 10. R. S., T. 32, § 2851, sub-§ 5, additional.** Section 2851 of Title 32 of the Revised Statutes is amended by adding a new subsection 5 to read as follows:

5. **Examination.** The board shall have the right to examine licensees applying for registration as a pharmacist, licensed pharmacy intern and all applicants for registration to conduct the business of a pharmacy, and shall have the authority to issue licenses and registration subject to the requirements herein, and shall have the authority to revoke or suspend licenses for violations of the laws of the State of Maine.

**Sec. 11. R. S., T. 32, § 2855, repealed and replaced.** Section 2855 of Title 32 of the Revised Statutes, as amended by section 17 of chapter 390 of the public laws of 1967, is repealed and the following enacted in place thereof:

#### § 2855. Complaints

The board shall, after due investigation and pursuant to such rules and regulations as it shall have adopted, process written complaints against any person registered as a pharmacist, qualified assistant pharmacist, licensed pharmacist intern or licensed manufacturer doing business within the State, for violations of any of the laws of the State of Maine, or any of its rules and regulations, relating to the practice of pharmacy.

**Sec. 12. R. S., T. 32, § 2856, amended.** Section 2856 of Title 32 of the Revised Statutes is amended by adding at the end the following new paragraph:

The Administrative Hearing Commissioner may revoke or suspend a certificate of a registered pharmacist, qualified assistant pharmacist, licensed pharmacy intern, licensed wholesaler, for any violation of the pharmacy laws of the State of Maine or upon conviction of a felony in a state court or federal court, or upon a finding pursuant to the Administrative Hearing Code of the State of Maine that the registrant is unfit or incompetent as may be evidenced by acts of gross immorality, intoxication of a habitual nature whether caused by drugs or alcoholic beverages, adjudicated insanity, or as evidenced by abnormal mental or physical conditions that threaten the safety of the public.

**Sec. 13. R. S., T. 32, § 2901, amended.** Section 2901 of Title 32 of the Revised Statutes, as amended by section 18 of chapter 390 of the public laws of 1967, is further amended by inserting after the 2nd paragraph, a new paragraph, to read as follows:

The board must be satisfied that the management of the store will be vested with the registered pharmacist in all matters directly or indirectly related to the practice of pharmacy or in any matters related to the health, welfare and safety of the public.

**Sec. 14. R. S., T. 32, § 2902, amended.** Section 2902 of Title 32 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraphs:

All applicants for original licensure must possess a degree in pharmacy that is the equivalent of the Bachelor of Science in Pharmacy, Bachelor of Pharmacy or Bachelor of Arts in Pharmacy, which equivalency may be determined by the board.

Effective January 1, 1972, an applicant, to be examined and licensed, shall show that he acquired one year of practical pharmacy experience under the instruction of a licensed pharmacist or of a pharmacist licensed under statutory provisions of another state of the United States which in the determination of the board of commissioners are equivalent to the statutory provisions of the State of Maine regarding the licensing of pharmacists; said year to be composed of 52 average work weeks, including vacation, of not less than 40 hours per week and beginning after the satisfactory completion of one year of college work and not be concurrent with college attendance, 3 months of which experience must have been acquired after graduation from an accredited college of pharmacy.

Effective 90 days after the adjournment of the Legislature the board may register as a licensed pharmacy intern any student within an accredited college of pharmacy who has completed at least 48 semester hours of instruction. All applicants for registration as a licensed pharmacy intern shall make application on forms to be provided by the board. Every licensed pharmacy intern shall notify the board upon accepting or terminating employment within a



pharmacy within the State of Maine, provided that the intern shall have 5 days in which to notify the board of such change of employment.

**Sec. 15. Amendatory clause.** Wherever in the Revised Statutes the terms "apothecary" or "druggist" appears they shall mean "pharmacist."

**Sec. 16. Amendatory clause.** Wherever in the Revised Statutes the terms "drug store" or "apothecary store" appears they shall mean "pharmacy."