

MAINE STATE LEGISLATURE

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(New Title)
New Draft of H. P. 36, L. D. 47

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1849

H. P. 1538 House of Representatives, April 24, 1975
Reported by Report "A" from Committee on Health and Institutional
Services and printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

**An ACT to Permit Pharmacists to Advertise Drug Prices and to
Provide Retail Price Posting Information to Pharmacies.**

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

22 MRSA §§ 2204-D-2204-F are enacted to read:

§ 2204-D. Advertising

It shall be lawful for any pharmacy, pharmacist or other licensee of the Board of Commissioners of the Profession of Pharmacy to advertise to the public the current retail price he or she charges for any drugs, medicines or appliances as defined in 21 U.S.C. 3211 (g) (1) which bears the legend "Caution: Federal law prohibits dispensing without prescription." Such advertising may be according to either the brand name or the generic name of drugs, or both. No gifts, premiums, trading stamps or bonuses shall be associated with such advertising.

§ 2204-E. Exceptions

Advertising as described in section 2204-D shall be permitted except that:

1. No advertising on television shall be permitted;
2. No advertising of any drugs included in the Comprehensive Drug Abuse Prevention and Control Act of 1970, 84 Stat. 1236, shall be permitted; and
3. No advertising of hypodermic needles and hypodermic syringes shall be permitted.

§ 2204-F. Posting prices

Each licensed pharmacy shall maintain on its premises in a conspicuous place a price listing of those 100 drugs sold most frequently in the State during the previous year which bear the legend "Caution: Federal law prohibits dispensing without prescription."

This price listing shall be prepared annually by the Board of Commissioners of the Profession of Pharmacy and shall be provided by the board to each licensed pharmacy in the State on or before September 1st. This price listing shall be prepared in accordance with the following specifications:

1. The list shall be of uniform size and shall be no smaller than 36 inches wide by 36 inches high;
2. The list shall include the name, strength and quantity of each drug and a space for the insertion of the current retail price of each drug by each licensed pharmacy;
3. The list shall include the professional services and nonprofessional convenience services provided by the pharmacy;
4. The list shall include the generic name of each drug;
5. The list shall be printed in type sufficiently large to be easily read; and
6. The list shall be compiled alphabetically.

Nothing contained in this section shall be construed as preventing a pharmacy from changing the current retail price of any drug at any time, provided that the listed price is simultaneously adjusted to reflect the new current retail price.

STATEMENT OF FACT

This bill permits the price advertising of those drugs which may not be dispensed without a prescription. The price advertising of all drugs included in the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 as well as the price advertising of hypodermic needles and hypodermic syringes is prohibited. Price advertising on television is also prohibited.

The bill also provides for posting of the prices of the 100 most frequently sold "legend" drugs. Specifications for the price list are included.