

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
FIRST SPECIAL SESSION
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to S.P. 668, L.D. 2127, Bill,
"AN ACT Concerning the Administration of Medicine to Inmates
of County Jails."

Amend said Bill by inserting before the Enacting clause
the following:

'Emergency preamble. Whereas, Acts of the Legislature do
not become effective until 90 days after adjournment of the
Legislature unless enacted as emergencies; and

Whereas, the keepers of county jails are currently prohibited
from administering to prisoners in their charge any kind of
medication, including non-prescription drugs, such as aspirin and
cough medicine; and

Whereas, the keepers of county jails are fully capable of
handing to a prisoner a pill as prescribed by a licensed physician
or, in the case of non-prescription medication, in accordance with
the directions on the label; and

Whereas, high and unnecessary expenses have been incurred
by the county jails, because prisoners must be transported so
that nurses can administer medication to them; and

Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health
and safety; now, therefore, '

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'34 MRSA §912 is enacted to read:

§912. Administration of medication

1. Administration of medication by sheriff or deputy. The sheriff of any county may administer to any prisoner in his custody and charge, any oral or topical medication as prescribed by a licensed physician or dentist, or if requested by a prisoner, any non-prescription medication in accordance with the directions on its container. The sheriff may delegate this authority to administer medication to his deputy who is in charge of the county jail or to the master or keeper of the county jail.

2. Limitations on administration of medication. The sheriff or his delegate shall not administer any prescription or non-prescription medication to any prisoner who has been incarcerated in the county jail for less than 24 hours, unless the sheriff or his delegate has consulted with and received permission to administer such medication from a licensed physician.

3. Insulin injections. No provisions under this section shall prevent any prisoner, who has diabetes and for whom a licensed physician has prescribed insulin injections, from self-administering such injections in the presence of the sheriff or his delegate.

4. Statement by prisoner. Before administering any non-prescription medication to any prisoner who has been incarcerated in the county jail for 24 hours or longer, the sheriff or his

delegate shall secure a written statement signed by the prisoner, which states that the prisoner has requested such medication and had no previous adverse allergic reaction to such medication.

5. Records of medication administered. Every sheriff or his delegate shall maintain for at least 2 years a record which shall include a description of each prescription and non-prescription medication administered in the county jail and the identity of each person to whom such medication is administered.

6. Administration of medication not a violation. The administration of medication to prisoners as provided in this section shall not be a violation of Title 32, section 2102, subsection 2, paragraph D or Title 32, section 3270 or any other law.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

This amendment amends L.D. 2127 in 6 ways.

1. It adds an emergency preamble and clause to the bill.
2. It specifies that prescription drugs, which a sheriff or jail keeper can administer to prisoners, must be topical or oral.
3. It prohibits the sheriff or jail keeper from administering prescription and non-prescription drugs during the first 24 hours a prisoner is incarcerated, unless the sheriff or jail keeper has gotten a physician's permission to administer drugs during this time period.
4. It allows a diabetic prisoner to self-administer insulin injections.

5. It provides that a prisoner must sign a request form before receiving a non-prescription drug from the sheriff or jail keeper.

6. It requires that a record be kept of each medication administered.

Reported by the Committee on Health & Institutional Services.

Reproduced and distributed pursuant to Senate Rule 11-A.

March 8, 1976.

(Filing No. S-423).