

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 1265**

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H. P. 1033

House of Representatives, March 24, 1977

Referred to Committee on Health and Institutional Services. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Mitchell of Vassalboro.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT Concerning the Sale of Prescription Drugs.**

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

32 MRSA § 2912, as enacted by PL 1975, c. 526, is amended by adding at the end the following paragraph:

As used in this subchapter, the word "prescription" shall mean an order or request, written or oral, by a physician to a pharmacist to dispense a drug upon which the manufacturer or distributor is obliged to place, in order to comply with federal law and regulations, the following legend: "Caution, federal law prohibits dispensing without prescription," or words to that effect, or an order on request, written or oral, by a physician to a pharmacist to dispense any drug, if the physician tells the pharmacist orally to perform a patient profile record review or writes on the written order or request, "prescription only." Except pursuant to a prescription, sale of a drug which is available over the counter as a prescription drug at a price higher than the over-the-counter price shall constitute an unfair practice in the conduct of a trade within the meaning of Title 5, chapter 10.

STATEMENT OF FACT

This bill would require that a pharmacy selling over-the-counter drugs to a customer, sell them at the over-the-counter price even if the customer buys them on doctor's orders. Under current law, a pharmacist is legally required to check the customer's patient profile record even to sell an over-the-counter drug, if a doctor prescribes it.