

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1007

H. P. 804

House of Representatives, March 5, 1979

On Motion of Mrs. Prescott of Hampden, referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Doukas of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Relating to Permissive Use of Drugs.

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

Sec. 1. 22 MRSA § 2207-A, sub-§ 1, as amended by PL 1977, c. 609, § 1, is repealed and the following enacted in its place:

1. Professional dealing with dangerous substances. Physicians, nurses licensed pursuant to Title 32, section 2102, dentists, dental auxiliaries as defined in Title 32, section 1100-A, veterinarians, drug jobbers, drug wholesalers, drug manufacturers, pharmacists and pharmacies registered under Title 32, section 2901, approved animal shelters as provided in Title 7, section 3406, and persons certified to teach pursuant to Title 20, are authorized to deal professionally with dangerous substances.

Sec. 2. 22 MRSA § 2207-A, sub-§ 2, ¶¶ F, G and H are enacted to read:

F. In the case of a nurse, in good faith as part of professional treatment, to administer, deliver or possess medication and treatment as prescribed by a legally authorized person;

G. In the case of a dental auxiliary, in good faith as a part of professional treatment to administer, deliver or possess flouride in amounts authorized in writing by a dentist, and to administer or deliver same to minors with the

consent of a parent or guardian of the minor; and

H. In the case of educational personnel certified pursuant to Title 20, in good faith in the course of their duties to their own students, to administer or deliver or to possess for that purpose, sodium flouride tablets, provided that the substance shall not be administered nor delivered to any student without the written consent of the parent or guardian.

STATEMENT OF FACT

This bill authorizes nurses to handle medication consistently with Title 32, section 2102. Acts contemplated by Title 32 are technically made illegal by Title 17-A, section 1106, since they are authorized by Title 32 rather than by Title 22. Title 17-A, section 1106 permits persons to "furnish" drugs only as permitted by Title 22. In addition, dental auxiliaries and teachers are authorized by this bill to furnish flouride in a tooth decay prevention program. Flouride is a prescription drug. Such programs presently may be technically illegal under Title 17-A, section 1106, since they are not expressly authorized by Title 22 despite the fact that at least one such Maine program has received a national award.