

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1270**

H. P. 1025

House of Representatives, March 16, 1979

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Joyce of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT to Authorize the Administration of Medications by State Corrections  
Officials in Certain Cases.**

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

**Sec. 1.** 32 MRSA § 2258-A, as last amended by PL 1977, c. 497, § 11, is further amended to read:

**§ 2258-A. Administration of medication**

Any employee of any **mental health or mental retardation** institution under the control of the Department of Mental Health and Corrections or of an institution licensed by the State as a hospital, nursing home, extended care facility or boarding home who, in the exercise of due care, is authorized by the head of such institution or his designee to perform selected activities in the administration of medications and any person who, in the exercise of due care, is delegated such functions by a licensed allopathic or osteopathic physician shall be immune from criminal prosecution and civil liability for any such administration of medication prior to January 1, 1978, but not thereafter.

**Sec. 2.** 34 MRSA § 7-A, as enacted by PL 1977, c. 497, § 12, is repealed and the following enacted in its place:

**§ 7-A. Administration of medication in correctional facilities**

**1. Administration of medication by corrections officials.** The warden or superintendent of any state corrections facility may administer to any prisoner or child committed to the Maine Youth Center 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 nonprescription medication in accordance with the directions on its container. The warden or superintendent may delegate to any correctional officer employed by the correctional facility the authority to administer medication.

**2. Insulin injections.** No provisions under this section shall prevent any prisoner from self-administering insulin injections providing:

- A.** A duly licensed physician has authorized the self-administration; and
- B.** The self-administration takes place in the presence of the warden, superintendent or his delegate.

**3. Statement by prisoner.** Before administering any nonprescription medication to any prisoner the warden, superintendent or his delegate shall secure a written statement signed by the prisoner, which states that the prisoner has requested the medication and had no previous adverse allergic reaction to the medication.

**4. Records of medication administered.** The warden, superintendent or his delegate shall maintain for ,at least 2 years a record which shall include a description of each prescription and nonprescription medication administered in the facility and the identity of each person to whom the medication is administered.

**5. 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; section 3270 or any other law.

#### STATEMENT OF FACT

Current law restricts the dispensing of medications to either nursing personnel or staff that have been trained to dispense medication. Current funding levels and staffing patterns do not allow the Bureau of Corrections to comply with these requirements at this point in time. County jails are currently exempted and this bill would provide similar exemption.