

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 105

S. P. 68

In Senate, January 7, 1981

On Motion of Senator Devoe of Penobscot. Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Devoe of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Creating Security Requirements for Pharmacy Areas.

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

32 MRSA § 2901-A is enacted to read:

§ 2901-A. Security of pharmacy area

The board may not issue a permit under section 2901 for a pharmacy constructed after the effective date of this section nor may it renew the permit for a pharmacy remodeled after the effective date of this section, unless the pharmacy complies with this section.

1. Barrier. The pharmacy area shall be separated from any nonpharmacy area by a barrier conforming to this subsection. Prior to construction, plans and specifications for the barrier shall be submitted to the board for its approval. The board shall approve or disapprove the plans and specifications within 60 days of receipt.

A. The barrier shall extend from the floor or the counter to the ceiling and may be permanent or non-permanent.

B. If the barrier is constructed of non-solid material, openings or interstices shall be small enough to prevent the removal, by any means, of items from the pharmacy area.

- C. Any material used shall be of sufficient strength so that the barrier cannot be readily or easily removed, penetrated or bent.**
- 2. Access to pharmacy area. The pharmacy area shall be designed so that access may be gained only through the use of a key. Only a pharmacist or a responsible person, designated by the owner and approved by the pharmacist, may possess the key to, and assume responsibility for the security of, the pharmacy area. The name, address, age and position of such a responsible person shall be given to the board, in writing, before that person may assume any responsibility under this subsection.**
- 3. Storage of drugs. When a pharmacist is not on duty and on the premises, all class 2, 3, 4 and 5 drugs, dangerous drugs, drugs and devices restricted to sale by a pharmacist only and medications which may be sold by prescription only shall be stored in the pharmacy area, with the barrier securely in place.**
- 4. Sale of drugs. When a pharmacist is not on duty, no person may, at any time, sell, give away or dispose of class 2, 3, 4 or 5 drugs, dangerous drugs, drugs and devices restricted to sale by a pharmacist only and medications which may be sold by prescription only.**
- 5. Area secure when pharmacist off duty. The pharmacy area may be open when a pharmacist is on duty and on the premises. When, for any reason, the pharmacist is not on the premises, the barrier described in subsection 1 shall be in place and the pharmacy area securely locked.**

STATEMENT OF FACT

This bill creates security requirements for new pharmacies and existing pharmacies which are remodeled. It requires the erection of a barrier for the pharmacy area and imposes other security measures designed to prevent the distribution of drugs through other than legal channels.