

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

**Legislative Document**

**No. 165**

H. P. 138

House of Representatives, January 8, 1981

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

EDWIN H. PERT, Clerk

Presented by Mr. Boyce of Auburn.

STATE OF MAINE

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

**AN ACT Concerning Legend Drugs.**

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

Sec. 1. 22 MRSA § 2201-A is enacted to read:

**§ 2201-A. Hearing on certain legend and non-legend drugs**

The board may determine that certain legend and non-legend drugs should be reclassified under the following provisions.

1. **Hearing.** The board shall review and consider, during a hearing:
  - A. Any drug which is a legend drug but for which a proposal exists to make it a non-legend drug; or
  - B. Any non-legend drug concerning which a complaint has been made to the board.
2. **Determination.** After a hearing for which all interested parties have been notified, the board may:
  - A. Determine that the drug may become non-legend;
  - B. Determine that the drug shall become a state-legend drug; or
  - C. Determine that the drug may be sold by a pharmacist only.

Sec. 2. 32 MRSA § 2805, sub-§ 22-A is enacted to read:

**22-A. State-legend drug.** “State-legend drug” means any drug or device which the Maine Board of Pharmacy, after due process under Title 22, section 2201-A, determines to be a legend drug in the State.

#### STATEMENT OF FACT

There have been some drugs released from legend status to over the counter status that have caused health problems for some of the citizens of Maine. There will be drugs released from legend status in the future that may cause health problems. This act clearly defines the duties of the Board of Pharmacy for the protection of the health of the citizens of Maine.