

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 419

S. P. 165

In Senate, January 26, 1981

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 Perkins of Hancock.

STATE OF MAINE

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

AN ACT to Require the Inspection of Hospital Pharmacies Prior to Licensure.

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

Sec. 1. 22 MRSA § 1817, as repealed and replaced by PL 1977, c. 694, § 345, is amended by adding after the first sentence, the following new sentences to read:

Ten days prior to conducting an inspection required herein, the department shall notify the drug inspector employed by the board of commissioners as provided in Title 32, section 2853. The notice shall state the time and location of the inspection. The department shall accompany the notice with forms necessary for the inspector to report to the department as provided in Title 32, section 2851, subsection 3. The department shall not issue a license authorized by this section until it has received the inspector's report as provided in Title 32, section 2851, subsection 3. If the inspector's report disapproves the practices of the pharmacy the department may issue a temporary or conditional license as provided herein. The reasons for the disapproval shall be provided to the applicant by the department. The correction of the disapproved practices shall be a requirement necessary for compliance with this chapter.

Sec. 2. 32 MRSA § 2851, sub-§ 3, as amended by PL 1971, c. 282, § 13, is further amended to read:

3. **Inspection; analysis; sales.** To inspect during business hours all pharmacies, dispensaries, stores, hospital pharmacies, extended care facilities,

boarding homes, nursing homes or places in which drugs or medicines are manufactured, stored, distributed, compounded, dispensed or retailed, and to regulate and to control the distribution and the sale, character and standard of all drugs, poisons and medicines compounded, dispensed or distributed in this State; to secure samples and cause them to be analyzed; and to prevent the sale of such drugs, poisons or medicines as do not conform to the laws of the State—; **When inspecting hospital or institutional pharmacies of hospitals and institutions which are inspected and licensed according to Title 22, chapter 405, the inspector shall coordinate his inspection with that of the department so that it occurs on the same day or within 48 hours subsequent to that inspection. When the inspection has been made as provided in this subsection, the drug inspector shall report to the Department of Human Services on forms provided by them, his approval of the pharmacy's practices as outlined in this subsection or his disapproval and his reasons therefor. The report shall be submitted to the department within 10 days following his inspection; and**

#### STATEMENT OF FACT

This bill provides that the drug inspector of the Board of Commissioners of Pharmacy shall inspect the pharmacy of applicants for hospital and institutional licenses.