

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1334

H. P. 1117

House of Representatives, March 17, 1981

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative K. Brown of Bethel.

STATE OF MAINE

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

AN ACT Concerning Drug Abuse by Registered Pharmacists.

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

32 MRSA § 2856, as last amended by PL 1973, c. 303, § 3, is repealed and the following enacted in its place:

§ 2856. Suspension or revocation of certificates

1. **Finding on complaint.** If the Administrative Court under Title 5, section 10051, finds that the person so complained against is guilty of the act charged against him, it may suspend his registration as a pharmacist and his certificate, for such term as may be deemed for the best interest of the public, or it may revoke the registration.

2. **Violations of law.** The Administrative Court may revoke or suspend a certificate of a registered pharmacist, qualified assistant pharmacist, licensed pharmacy intern or licensed wholesaler for any violation of the pharmacy laws of the State, or upon conviction of a crime punishable by a maximum term of imprisonment equal to or exceeding one year in a state court or federal court, or upon a finding under the Maine Administrative Procedure Act, Title 5, chapter 375, that the registrant is unfit or incompetent as may be evidenced by acts of gross immorality, intoxication of an habitual nature, whether caused by drugs or alcoholic beverages, adjudicated insanity or as evidenced by abnormal mental or physical conditions that threaten the safety of the public.

3. Crime in course of business. If any registered pharmacist is convicted in state or federal court of a crime committed during the course of his duties as a registered pharmacist or committed by him through the use of the pharmacy in which he is employed, owns or operates, he is subject to the following action by the Administrative Court.

A. A pharmacist convicted of such a crime, if it is punishable by a maximum term of imprisonment of less than one year, shall have his license suspended for a minimum period of 120 days.

B. A pharmacist convicted of such a crime, if it is punishable by a maximum term of imprisonment equal to or exceeding one year, may have his license permanently revoked.

STATEMENT OF FACT

This bill specifies that if a registered pharmacist is convicted of a crime committed while acting as a pharmacist or committed through the use of the pharmacy, his license is subject to a possible minimum suspension period of 120 days or loss, depending on the seriousness of the crime.