

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1289

6  
7 H.P. 894

House of Representatives, April 10, 1985

8 Referred to the Committee on Business and Commerce. Sent up for  
9 concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative MacBride of Presque Isle.  
Cosponsored by Representative Seavey of Kennebunkport.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Require Medical Practitioners to  
18 Warn Patients of Possible Side Effects  
19 for Prescription Drugs.  
20

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

23 Sec. 1. 32 MRSA §1089-A is enacted to read:

24 §1089-A. Warning for prescription drugs

25 1. Definitions. As used in this section, unless  
26 the context otherwise indicates, the following terms  
27 have the following meanings.

28 A. "Drug" means all medicinal substances and  
29 preparations recognized by the United States  
30 Pharmacopeia and National Formulary, or any revi-  
31 sion thereof, and all substances and preparations  
32 intended for external and internal use in the  
33 cure, mitigation, treatment or prevention of dis-  
34 ease in man and all substances and preparations,

1 other than food, intended to affect the structure  
2 or any function of the body of man.

3 B. "Material" means those adverse side effects  
4 or reactions which occur infrequently, but are  
5 severe, or those which occur frequently regard-  
6 less of severity.

7 C. "Medical practitioner" means any dentist who  
8 is authorized by this chapter to prescribe drugs.

9 D. "Prescription" means any order, written or  
10 verbal, for any drug by a medical practitioner or  
11 his duly authorized legal agent.

12 E. "Warn" means to inform a patient by written  
13 or oral communication of any material adverse  
14 side effects or reactions, that could result from  
15 use of any prescription drug and of any  
16 contraindications or precautions that should be  
17 taken to reduce or avoid material adverse side  
18 effects or reactions.

19 2. Warning. Notwithstanding Title 24, section  
20 2905, subsection 1, paragraph C, any medical practi-  
21 tioner who issues a prescription in a nonemergency  
22 situation for any patient shall warn that patient or,  
23 if the patient is a minor or incompetent, that  
24 patient's parent or guardian.

25 3. Presumption. The medical practitioner is  
26 presumed to know those side effects, reactions,  
27 contraindications and precautions published by the  
28 drug manufacturer.

29 4. Inform. The medical practitioner shall in-  
30 form the patient of those material adverse side ef-  
31 fects and reactions, contraindications and precau-  
32 tions in such manner as to enable the patient to make  
33 an informed decision as to whether to use the pre-  
34 scribed drug.

35 Sec. 2. 32 MRSA §2109 is enacted to read:

36 §2109. Warning for prescription drugs

1           1. Definitions. As used in this section, unless  
2 the context otherwise indicates, the following terms  
3 have the following meanings.

4           A. "Drug" means all medicinal substances and  
5 preparations recognized by the United States  
6 Pharmacopeia and National Formulary, or any revi-  
7 sion thereof, and all substances and preparations  
8 intended for external and internal use in the  
9 cure, mitigation, treatment or prevention of dis-  
10 ease in man and all substances and preparations,  
11 other than food, intended to affect the structure  
12 or any function of the body of man.

13           B. "Material" means those adverse side effects  
14 or reactions which occur infrequently, but are  
15 severe, or those which occur frequently regard-  
16 less of severity.

17           C. "Medical practitioner" means any registered  
18 nurse who is authorized by this chapter to pre-  
19 scribe drugs.

20           D. "Prescription" means any order, written or  
21 verbal, for any drug by a medical practitioner or  
22 his duly authorized legal agent.

23           E. "Warn" means to inform a patient by written  
24 or oral communication of any material adverse  
25 side effects or reactions, that could result from  
26 use of any prescription drug and of any  
27 contraindications or precautions that should be  
28 taken to reduce or avoid material adverse side  
29 effects or reactions.

30           2. Warning. Notwithstanding Title 24, section  
31 2905, subsection 1, paragraph C, any medical practi-  
32 tioner who issues a prescription in a nonemergency  
33 situation for any patient shall warn that patient or,  
34 if the patient is a minor or incompetent, that  
35 patient's parent or guardian.

36           3. Presumption. The medical practitioner is  
37 presumed to know those side effects, reactions,  
38 contraindications and precautions published by the  
39 drug manufacturer.

1           4. Inform. The medical practitioner shall in-  
2 form the patient of those material adverse side ef-  
3 fects and reactions, contraindications and precau-  
4 tions in such manner as to enable the patient to make  
5 an informed decision as to whether to use the pre-  
6 scribed drug.

7           5. Exception. Any medical practitioner treating  
8 a minor as defined by Title 32, section 2595, or sec-  
9 tion 3292, need not warn the parent or guardian, but  
10 shall warn the minor.

11           Sec. 3. 32 MRS §2600 is enacted to read:

12           §2600. Warning for prescription drugs

13           1. Definitions. As used in this section, unless  
14 the context otherwise indicates, the following terms  
15 have the following meanings.

16           A. "Drug" means all medicinal substances and  
17 preparations recognized by the United States  
18 Pharmacopeia and National Formulary, or any revi-  
19 sion thereof, and all substances and preparations  
20 intended for external and internal use in the  
21 cure, mitigation, treatment or prevention of dis-  
22 ease in man and all substances and preparations,  
23 other than food, intended to affect the structure  
24 or any function of the body of man.

25           B. "Material" means those adverse side effects  
26 or reactions which occur infrequently, but are  
27 severe, or those which occur frequently regard-  
28 less of severity.

29           C. "Medical practitioner" means an individual  
30 who is authorized by this chapter to prescribe  
31 drugs.

32           D. "Prescription" means any order, written or  
33 verbal, for any drug by a medical practitioner or  
34 his duly authorized legal agent.

35           E. "Warn" means to inform a patient by written  
36 or oral communication of any material adverse  
37 side effects or reactions, that could result from  
38 use of any prescription drug and of any

1           contraindications or precautions that should be  
2           taken to reduce or avoid material adverse side  
3           effects or reactions.

4           2. Warning. Notwithstanding Title 24, section  
5           2905, subsection 1, paragraph C, any medical practi-  
6           tioner who issues a prescription in a nonemergency  
7           situation for any patient shall warn that patient or,  
8           if the patient is a minor or incompetent, that  
9           patient's parent or guardian.

10          3. Presumption. The medical practitioner is  
11          presumed to know those side effects, reactions,  
12          contraindications and precautions published by the  
13          drug manufacturer.

14          4. Inform. The medical practitioner shall in-  
15          form the patient of those material adverse side ef-  
16          fects and reactions, contraindications and precau-  
17          tions in such manner as to enable the patient to make  
18          an informed decision as to whether to use the pre-  
19          scribed drug.

20          5. Exception. Any medical practitioner treating  
21          a minor as defined by Title 32, section 2595, need  
22          not warn the parent or guardian, but shall warn the  
23          minor.

24          Sec. 4. 32 MRS §3298 is enacted to read:

25          §3298. Warning for prescription drugs

26          1. Definitions. As used in this section, unless  
27          the context otherwise indicates, the following terms  
28          have the following meanings.

29           A. "Drug" means all medicinal substances and  
30           preparations recognized by the United States  
31           Pharmacopeia and National Formulary, or any revi-  
32           sion thereof, and all substances and preparations  
33           intended for external and internal use in the  
34           cure, mitigation, treatment or prevention of dis-  
35           ease in man and all substances and preparations,  
36           other than food, intended to affect the structure  
37           or any function of the body of man.

1 B. "Material" means those adverse side effects  
2 or reactions which occur infrequently, but are  
3 severe, or those which occur frequently regard-  
4 less of severity.

5 C. "Medical practitioner" means an individual  
6 who is authorized by this chapter to prescribe  
7 drugs.

8 D. "Prescription" means any order, written or  
9 verbal, for any drug by a medical practitioner or  
10 his duly authorized legal agent.

11 E. "Warn" means to inform a patient by written  
12 or oral communication of any material adverse  
13 side effects or reactions, that could result from  
14 use of any prescription drug and of any  
15 contraindications or precautions that should be  
16 taken to reduce or avoid material adverse side  
17 effects or reactions.

18 2. Warning. Notwithstanding Title 24, section  
19 2905, subsection 1, paragraph C, any medical practi-  
20 tioner who issues a prescription in a nonemergency  
21 situation for any patient shall warn that patient or,  
22 if the patient is a minor or incompetent, that  
23 patient's parent or guardian.

24 3. Presumption. The medical practitioner is  
25 presumed to know those side effects, reactions,  
26 contraindications and precautions published by the  
27 drug manufacturer.

28 4. Inform. The medical practitioner shall in-  
29 form the patient of those material adverse side ef-  
30 fects and reactions, contraindications and precau-  
31 tions in such manner as to enable the patient to make  
32 an informed decision as to whether to use the pre-  
33 scribed drug.

34 5. Exception. Any medical practitioner treating  
35 a minor as defined by Title 32, section 3292, need  
36 not warn the parent or guardian, but shall warn the  
37 minor.

38 **Sec. 5. 32 MRSA §3553-A is enacted to read:**

1       §3553-A. Warning for prescription drugs

2           1. Definitions. As used in this section, unless  
3 the context otherwise indicates, the following terms  
4 have the following meanings.

5           A. "Drug" means all medicinal substances and  
6 preparations recognized by the United States  
7 Pharmacopeia and National Formulary, or any revi-  
8 sion thereof, and all substances and preparations  
9 intended for external and internal use in the  
10 cure, mitigation, treatment or prevention of dis-  
11 ease in man and all substances and preparations,  
12 other than food, intended to affect the structure  
13 or any function of the body of man.

14           B. "Material" means those adverse side effects  
15 or reactions which occur infrequently, but are  
16 severe, or those which occur frequently regard-  
17 less of severity.

18           C. "Medical practitioner" means any podiatrist  
19 who is authorized by this chapter to prescribe  
20 drugs.

21           D. "Prescription" means any order, written or  
22 verbal, for any drug by a medical practitioner or  
23 his duly authorized legal agent.

24           E. "Warn" means to inform a patient by written  
25 or oral communication of any material adverse  
26 side effects or reactions, that could result from  
27 use of any prescription drug and of any  
28 contraindications or precautions that should be  
29 taken to reduce or avoid material adverse side  
30 effects or reactions.

31           2. Warning. Notwithstanding Title 24, section  
32 2905, subsection 1, paragraph C, any medical practi-  
33 tioner who issues a prescription in a nonemergency  
34 situation for any patient shall warn that patient or,  
35 if the patient is a minor or incompetent, that  
36 patient's parent or guardian.

37           3. Presumption. The medical practitioner is  
38 presumed to know those side effects, reactions,  
39 contraindications and precautions published by the  
40 drug manufacturer.



