

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

---

Legislative Document

No. 2232

H.P. 1582

House of Representatives, January 28, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative JOSEPH of Waterville.

Cosponsored by Representative PARADIS of Augusta and Representative HANDY of Lewiston.

---

STATE OF MAINE

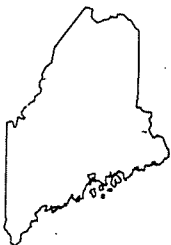
---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

---

**An Act to Prevent Procurement of Controlled Substances through Fraud.**

---



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

2  
4       Sec. 1. 17-A MRSA §1108, as amended by PL 1983, c. 350, is further amended to read:

6       **§1108. Acquiring drugs by misrepresentation, fraud, forgery, deception or subterfuge**

8  
10       1. A person is guilty of acquiring drugs by misrepresentation, fraud, forgery, deception or subterfuge if, as a result of deception, he obtains or exercises control over what he knows or believes to be a scheduled drug, and which is, in fact, a scheduled drug, that person:

14           A. Obtains or exercises control over what that person knows or believes to be a scheduled drug and that is, in fact, a scheduled drug;

18           B. Forges or alters a prescription or any written order;

20           C. Conceals a material fact;

22           D. Uses a false name or gives a false address;

24           E. Makes a false statement on, fails to prepare, obtain or keep or refuses the inspection or copying of any prescription, order, report or record;

28           F. Falsely assumes the title of or purports to be a manufacturer, wholesaler, pharmacist, practitioner, dentist, veterinarian or other authorized person;

30           G. Makes or utters any false or forged prescription or written order;

32           H. Affixes any false or forged label to a package or receptacle containing controlled drugs; or

34           I. Independently consults 2 or more practitioners for treatment solely to obtain additional controlled drugs or prescriptions for controlled drugs.

36       2. As used in this section, "deception"--has--the--same meaning--as--in--section--354,--subsection--2 unless the context otherwise indicates, the following terms have the following meanings.

38           A. "Deception" has the same meaning as in section 354, subsection 2.

2           B. "Practitioner" means any person who is lawfully entitled  
4           to prescribe, administer, dispense or distribute controlled  
            drugs to patients.

6           3. For purposes of this section, information communicated  
8           to a physieian practitioner in an effort to violate this section,  
10           including a violation by procuring the administration of a  
            scheduled drug by misrepresentation, fraud, forgery, deception or  
            subterfuge, shall is not be--deemed considered a privileged  
            communication.

12           3-A. Prescriptions written by practitioners for controlled  
14           drugs must be executed in clear, concise, readable form and may  
            be typewritten. Each prescription must:

16           A. Contain the following information:

18                   (1) The full name and complete address of the patient  
20                   or of the owner of the animal for which the drug is  
                    prescribed;

22                   (2) The day, month and year the prescription is issued;

24                   (3) The name of the controlled drug prescribed. Only  
                    one controlled drug may appear on a prescription blank;

26                   (4) The strength of the controlled drug prescribed;

28                   (5) The specific directions for use of the controlled  
30                   drug by the patient;

32                   (6) The Federal Drug Enforcement Administration  
34                   registration number of the practitioner;

36                   (7) The practitioner's signature written in ink on the  
                    date of issuance; and

38                   (8) The practitioner's full name printed, rubber  
40                   stamped or typewritten above or below the handwritten  
                    signature; and

42           B. Comply with the following requirements.

44                   (1) Refills may not be authorized for controlled drugs  
46                   in the current schedule II of 21 Code of Federal  
                    Regulations.

48                   (2) A practitioner may not issue a prescription in  
50                   order to obtain scheduled substances for the purpose of  
                    general dispensing to the practitioner's patients.

1 (3) A practitioner may not issue a prescription to the  
2 practitioner or the practitioner's immediate family,  
3 which includes a spouse, children or parents.

4  
5 (4) A prescription is invalid if it is not filled  
6 within 6 months from the date prescribed.

7 4. Acquiring drugs by misrepresentation, fraud, forgery,  
8 deception or subterfuge is:

- 9  
10 A. A Class C crime if the drug is a schedule W, X or Y  
11 drug; or  
12 B. A Class D crime if the drug is a schedule Z drug.  
13

14  
15

16  
17 **STATEMENT OF FACT**

18 This bill amends the drug laws dealing with obtaining drugs  
19 by deception by incorporating language from Vermont law and  
20 adding the terms "misrepresentation," "fraud," "forgery" and  
21 "subterfuge" to the law.  
22

23  
24

25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100