

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 791

H.P. 587

House of Representatives, March 4, 1993

**An Act to Eliminate the Prescription Requirement for Hypodermic Syringes.**

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Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative RYDELL of Brunswick.  
Cosponsored by Representative CATHCART of Orono and  
Representatives: ADAMS of Portland, BARTH of Bethel, BRENNAN of Portland, BRUNO of  
Raymond, CARROLL of Gray, FITZPATRICK of Durham, HOLT of Bath, MITCHELL of  
Freeport, PENDEXTER of Scarborough, PENDLETON of Scarborough, TREAT of Gardiner,  
Senators: CONLEY of Cumberland, McCORMICK of Kennebec, PARADIS of Aroostook.

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

4 Sec. 1. 32 MRSA §13787, as enacted by PL 1987, c. 710, §5, is repealed.

6 Sec. 2. 32 MRSA §13787-A is enacted to read:

8 §13787-A. Sale of hypodermic apparatus

10 1. Authorized seller. A hypodermic apparatus, as defined  
12 in Title 17-A, section 1101, subsection 2, may be sold only by a  
14 manufacturer or dealer of embalming supplies, wholesale druggist,  
manufacturing pharmacist, pharmacist or manufacturer of surgical  
instruments.

16 2. Purchaser. Any person who is 18 years of age or older  
18 may purchase a hypodermic apparatus from a seller described in  
subsection 1.

20 3. Criminal immunity. Immunity from criminal prosecution is  
22 governed by the following.

24 A. A seller described in subsection 1 is "expressly  
26 authorized" within the meaning of Title 17-A, section 1110,  
subsection 1, paragraph A.

28 B. A seller described in subsection 1 or a purchaser  
30 described in subsection 2 is "expressly authorized" within  
the meaning of Title 17-A, section 1111, subsection 1,  
paragraph A.

32 4. Immunity limited. This section does not provide immunity  
34 from prosecution to a person for violation of any law prohibiting  
36 or regulating the use, possession, dispensing, distribution or  
promotion of controlled substances, dangerous drugs, detrimental  
drugs or harmful drugs.

38 5. Medicaid not affected. This section does not diminish,  
40 expand or otherwise affect Medicaid reimbursement for hypodermic  
apparatuses.

42 **STATEMENT OF FACT**

44  
46 This bill removes the requirement that a person have a  
48 prescription or be an authorized user of needles to obtain a  
hypodermic apparatus. The bill allows a person who is 18 years  
of age or older to purchase a hypodermic apparatus from an  
authorized seller. Authorized sellers include pharmacists and

2 manufacturers. Criminal immunity is provided for persons who sell or buy needles in accordance with the provisions of the bill.