

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

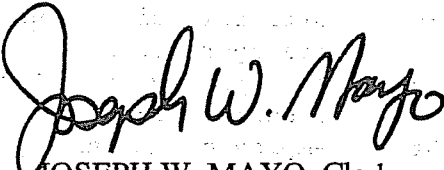
No. 998

H.P. 740

House of Representatives, March 23, 1993

An Act to Promote Proper Animal Health Care and to Regulate the Purchase and Sale of Hypodermic Needles and Syringes.

Reference to the Committee on Agriculture suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative DAGGETT of Augusta.
Cosponsored by Senator PARADIS of Aroostook.

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

2
3 **Sec. 1. 7 MRSA §1808, first ¶,** as amended by PL 1967, c. 204,
4 is further amended to read:

6 No A biological product containing--living--organisms--or
7 viruses capable of eliciting an immunological response offered
8 for use in the treatment or prevention of diseases of domestic
9 animals shall may not be produced, sold, distributed, imported or
10 used within the State, or imported into the State for sale,
11 distribution or use unless approval and written permission has
12 first been obtained from the commissioner, or his the
13 commissioner's agent in charge of livestock sanitary work, for
14 the distribution and use of such that product. The commissioner
15 or his the counselor's agent has the right to refuse permission
16 for such distribution, sale, importation or use of any such
17 product within the State, and may require reporting of sale,
18 distribution, importation or use of any such product within the
19 State, if permission is granted.

20
21 **Sec. 2. 32 MRSA §13787, sub-§§1 and 3,** as enacted by PL 1987,
22 c. 710, §5, are amended to read:

23 **1. Possession.** A hypodermic apparatus may be possessed by a
24 practitioner, a funeral director, a nurse, a manufacturer or
25 dealer in embalming supplies, a wholesale druggist, a
26 manufacturing pharmacist, a pharmacist, a manufacturer of
27 surgical instruments, a farmer for use on that farmer's animals
28 or poultry, an employee of an incorporated hospital acting under
29 official direction, a carrier or messenger engaged in the
30 transportation of a hypodermic apparatus as an agent of any of
31 the persons named in this subsection, employees of scientific
32 research laboratories, employees of educational institutions,
33 employees of an agency or organization duly authorized by the
34 board or a person who has received a written prescription issued
35 under subsection 2.

36
37 **3. Hypodermic apparatus.** As used in this section,
38 "hypodermic apparatus" has the meaning set forth in Title 17-A,
39 section 1101, subsection 2, ~~except that it does not include a~~
40 ~~syringe, needle or instrument for use on farm animals and poultry.~~

41
42 **Sec. 3. 32 MRSA §§13787-A and 13787-B** are enacted to read:

43
44 §13787-A. Sale of hypodermic apparatus

45
46 **1. Definitions.** As used in this section, unless the
47 context otherwise indicates, the following terms have the
48 following meanings.

2 A. "Health care facility" means all facilities described in
4 Title 22, section 303 and any other facility designated by
6 the commissioner as a health care facility for purposes of
8 this section.

6 B. "Health care practitioner" has the same meaning as
8 "practitioner" in section 13702, subsection 23.

10 C. "Hypodermic apparatus" has the meaning set forth in
12 Title 17-A, section 1101, subsection 2.

12 2. Sale authorized. Hypodermic apparatus may be sold by
14 the following persons.

16 A. A health care facility or health care provider may sell
18 hypodermic apparatus to a patient of that facility or
20 provider for use by that patient.

22 B. A licensed pharmacist may sell hypodermic apparatus to
24 any person authorized to possess that apparatus in section
26 13787.

28 C. A manufacturer, wholesaler or retailer licensed by the
30 board may sell to any person authorized to possess the
32 apparatus in section 13787, provided the rules of the board
34 authorize those sales.

36 3. License to sell hypodermic apparatus. The board shall
38 establish by rule a process to license hypodermic apparatus
40 manufacturers, wholesalers and retail sales outlets other than
42 pharmacies, health care facilities and health care practitioners.

44 **§13787-B. Disposal of hypodermic apparatus**

46 Hypodermic apparatus must be disposed of in accordance with
48 rules adopted by the Department of Environmental Protection
50 pursuant to Title 38, section 1319-O.

STATEMENT OF FACT

Current law requires approval of the Commissioner of Agriculture, Food and Rural Resources for the sale of animal vaccines and other biological products that contain live organisms. This bill expands that regulation to biological products that contain dead organisms.

The bill also amends the law regulating hypodermic apparatus, such as needles and syringes. The Maine Criminal Code

1 prohibits a person from possessing, selling or furnishing
2 hypodermic apparatus without specific statutory authorization.
3 The Maine Pharmacy Act permits certain persons to possess
4 hypodermic apparatus, but does not address the question of who
5 are permitted to possess hypodermic apparatus for use on their
6 own farm animals and poultry. The bill also specifies who may
7 sell hypodermic apparatus, including pharmacies, health care
8 facilities and practitioners, such as physicians and
9 veterinarians, and manufacturers, wholesalers and retail outlets
10 licensed by the Board of Commissioners of the Profession of
11 Pharmacy.