

MAINE STATE LEGISLATURE

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H.S.

L.D. 705

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HUMAN RESOURCES

Reported by: Senator PENDEXTER for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 265, L.D. 705, Bill, "An Act to Discourage Prescription Drug Fraud"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 32 MRSA §13795 is enacted to read:

§13795. Photographic proof of identification

1. Photographic proof of identification. As a precondition to filling any prescription or dispensing any drug, a pharmacist or person acting at the direction of a pharmacist may demand, inspect and record proof of identification, including valid photographic identification, from any patient presenting a prescription or any person acting on behalf of the patient. Valid photographic identification includes but is not limited to the following:

A. A valid Maine motor vehicle operator's license;

B. A valid Maine identification card issued under Title 5, section 88-A;

C. A valid United States passport;

D. A valid passport or motor vehicle operator's license of another state, territory, possession or foreign country only if it:

(1) Contains a photograph of the traveler or licensee;

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COMMITTEE AMENDMENT "A" to S.P. 265, L.D. 705

2 (2) Is encased in tamper-resistant plastic or
 otherwise possesses indicia of tamper-resistance; and

4 (3) Identifies the traveler's or licensee's date of
 birth; or

6 E. Other valid, tamper-resistant, photographic
8 identification as provided in rules adopted by the Board of
10 Commissioners of the Profession of Pharmacy pursuant to
 section 13722, subsection 1, paragraph A and in accordance
12 with Title 5, chapter 375.

14 2. Refusal to fill prescription or dispense drug. A
 pharmacist or person acting at the direction of a pharmacist may
16 exercise discretion and refuse to fill any prescription or
 dispense any drug if unsatisfied as to the legitimacy or
18 appropriateness of any prescription presented, the validity of
 any photographic identification or the identity of any patient
20 presenting a prescription or any person acting on behalf of the
 patient.'

22 Further amend the bill by inserting at the end before the
statement of fact the following:

24 **FISCAL NOTE**

26 The Board of Commissioners of the Profession of Pharmacy
28 will incur some minor additional costs to adopt certain rules
 pertaining to requirements for photographic identification.
30 These costs can be absorbed within the board's existing budgeted
 resources.'

32 **STATEMENT OF FACT**

34 This amendment replaces the bill. It allows pharmacists to
36 require proof of photographic identification prior to filling
 prescriptions. It specifies acceptable forms of photographic
38 identification and allows for additional means as adopted by rule
 of the Board of Commissioners of the Profession of Pharmacy. It
40 authorizes pharmacists to exercise discretion and refuse to fill
 any prescription or dispense any drug if unsatisfied as to the
42 prescription or the identification or the identity of the patient
 or the person acting on behalf of the patient. The amendment
44 also adds a fiscal note to the bill.