

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 705

S.P. 265

In Senate, March 2, 1995

An Act to Discourage Prescription Drug Fraud.

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator PENDEXTER of Cumberland.

Cosponsored by Senators: BENOIT of Franklin, FAIRCLOTH of Penobscot, Representatives:
MARVIN of Cape Elizabeth, MITCHELL of Portland.

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

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

§13795. Identification required for filling certain prescriptions

1. Pharmacists require photographic identification.

Pharmacists shall require from all patients presenting a prescription, or persons acting on their behalf, valid photographic identification of that patient or person before dispensing or filling a prescription for any of the following drugs:

A. All drugs listed or identified as Schedule II controlled substances in 21 United States Code, Section 812 (1970), as amended;

B. All drugs listed or identified as Schedule II controlled substances in 21 Code of Federal Regulations, Chapter II, Part 1308, as amended;

C. All drugs identified as belonging to the Benzodiazepine group, including, but not limited to, the following and their chemical equivalents:

(1) Alprozolam;

(2) Bromozepam;

(3) Camzepam;

(4) Chloridizepoxide;

(5) Clobazam;

(6) Clonazepam;

(7) Chlorazepate;

(8) Clotiazepam;

(9) Clorazolam;

(10) Delorazepam;

(11) Diazepam;

(12) Estazolam;

(13) Ethyl Loflazepate;

- 2 (14) Fludiazepam;
4 (15) Flurazepam;
6 (16) Halazepam;
8 (17) Haloxazolam;
10 (18) Ketazolam;
12 (19) Loprazolam;
14 (20) Lorazepam;
16 (21) Lormetazepam;
18 (22) Medazepam;
20 (23) Nimetazepam;
22 (24) Nitrazepam;
24 (25) Nordiazepam;
26 (26) Oxazepam;
28 (27) Oxazolam;
30 (28) Pinazepam;
32 (29) Prazepam;
34 (30) Temazepam;
36 (31) Tetrazepam; and
38 (32) Triazolam;

40 D. All other drugs that the board designates by rule; and

42 E. Any other drugs for which the prescribing practitioner
44 has requested, either on the face of the prescription or
46 otherwise, that identification be presented before
 dispensing.

48 2. Valid photographic identification defined. "Valid
 photographic identification" means the following:

2 A. A valid state motor vehicle operator's license bearing a
3 photograph of the operator and issued under Title 29-A,
4 chapter 11;

5 B. A valid state identification card bearing a photograph
6 of the person and issued under Title 5, section 88-A;

7 C. A valid United States passport;

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

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

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

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

16 E. Other valid, tamper-resistant, photographic
17 identification as the board designates by rule.

18 3. Unacceptable identification. Valid photographic
19 identification does not include any form of identification that,
20 on its face, is altered, obscured or defaced. The board may
21 adopt or amend rules pursuant to the Maine Administrative
22 Procedure Act governing:

23 A. The designation of additional kinds or types of
24 tamper-resistant, photographic identification that may be
25 accepted under this section;

26 B. The designation of other kinds or types of photographic
27 identification that may not be accepted under this section;
28 and

29 C. Any additional forms, standards, methods, practices or
30 procedures necessary or reasonable for compliance with this
31 section.

32 4. Pharmacist's requirements. When valid photographic
33 identification is required pursuant to this section, the
34 pharmacist filling the prescription or dispensing the drug shall:

35 A. Inspect the photographic identification and verify:

36 (1) That the identification presented is a valid
37 photographic identification; and

2 (2) That the person presenting the photographic
3 identification is the same person depicted in that
4 identification; and

6 B. Record on the back of the prescription or in the
7 patient's profile the date and time the prescription was
8 presented and filled or the drug was dispensed and the name
9 of the pharmacist receiving the prescription, inspecting the
10 identification, filling the prescription and dispensing the
11 drug and;

12 (1) When photographic or photoreproduction copying is
13 readily available:

14 (a) Photocopy the identification presented;

15 (b) Sign the photocopied identification;

16 (c) Attach the photocopied identification to the
17 prescription; and

18 (d) Maintain the photocopied identification on
19 file with the prescription as otherwise required
20 by law; or

21 (2) When photographic or photoreproduction copying is
22 not readily available, record on the back of the
23 prescription or in the patient's profile the form of
24 identification presented and any distinguishing
25 characteristic of the identification presented,
26 including but not limited to passport, license and
27 state identification numbers.

28 5. Another person presenting prescription. If the person
29 presenting the prescription or receiving the drug to be dispensed
30 is doing so on behalf of another or is the owner of an animal for
31 which the prescription or dispensing is authorized, the
32 pharmacist shall record on the back of the prescription or in the
33 patient's profile the following information in addition to that
34 required in subsection 4:

35 (1) The name, address and telephone number of the
36 person on whose behalf the prescription is being
37 filled; and

38 (2) In the instance of veterinary prescriptions, if
39 not already recorded on the face of the prescription,
40 the name, species and breed of the animal and the
41 owner's name and address.

2 location where the animal is ordinarily kept or
 maintained.

4 **6. Exceptions.** When photographic identification is
 required, a dispensing pharmacist need not comply with the
6 recording procedures otherwise required under this section if the
 pharmacist verifies that the photographic identification is
8 already on file for the prescribed patient or the person
 presenting the prescription on the patient's behalf and the
10 previously recorded photographic identification is
 cross-referenced electronically or is readily retrievable.

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STATEMENT OF FACT

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 This bill requires valid photographic identification to be
18 presented by those receiving prescriptions for the most addictive
 or most frequently abused drugs. It identifies those drugs,
 defines what constitutes a valid photographic identification card
20 and describes the process that the pharmacist needs to follow.