

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1795

H.P. 1311

House of Representatives, February 20, 1996

**An Act to Clarify the Laws Pertaining to the Regulation of Narcotic  
Dependency Treatment Programs.**

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Submitted by the Department of Human Services pursuant to Joint Rule 24.  
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative AULT of Wayne.  
Cosponsored by Representatives: BRENNAN of Portland, CHICK of Lebanon.

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

2  
4       **Sec. 1. 5 MRSA §20053, sub-§5, ¶¶C and D**, as enacted by PL 1995, c. 499, §1 and affected by §5, are amended to read:

6           C. Standards for the distribution of scheduled or  
8           prescription drugs and controlled substances and for the  
10           security of these drugs and controlled substances consistent  
12           with the rules adopted by the Board of Commissioners of the  
          Profession of Pharmacy, including, but not limited to, the  
          use of identifiable appropriately labeled containers in  
          dispensing the drugs and controlled substances;

14           D. Procedures for the immediate disclosure to regulatory  
16           and law enforcement authorities by treatment programs of any  
          lost, missing, stolen ~~or~~, diverted, spilled or contaminated  
          scheduled or prescription drugs or controlled substances;

18       **Sec. 2. 5 MRSA §20053, sub-§7**, as enacted by PL 1995, c. 499,  
20       §1 and affected by §5, is amended to read:

22           **7. Employees.** ~~Except as authorized by the Director of the~~  
24           ~~Office of Substance Abuse,~~ a A person may not be employed by or  
26           contract with a treatment program in a capacity in which that  
28           person handles or has access to scheduled or prescription drugs  
30           or controlled substances if that person has been convicted of a  
32           felony or an offense related to the possession, use, sale or  
34           distribution of scheduled or prescription drugs or controlled  
36           substances under Title 17-A, chapter 45, or under any law of  
          another jurisdiction. The Director of the Office of Substance  
          Abuse may authorize an exception to this employment prohibition  
          when federal regulations do not prohibit such employment or, if  
          applicable, when the prospective employee or contractor has  
          obtained any requisite waiver from the federal Drug Enforcement  
          Administration.

38       **Sec. 3. 22 MRSA §2383-B, sub-§4**, as enacted by PL 1995, c.  
40       499, §3 and affected by §5, is repealed.

42       **Sec. 4. 32 MRSA §13723, sub-§7, ¶C**, as enacted by PL 1995, c.  
44       499, §4 and affected by §5, is repealed.

**STATEMENT OF FACT**

46           The purpose of this bill is to clarify the laws with regard  
48           to the regulation of narcotic dependency treatment programs.  
50           This bill makes minor technical changes to provisions dealing  
          with the distribution of and accounting for controlled  
          substances. The bill clarifies that the Director of the Office

2 of Substance Abuse may not authorize an employment situation for  
treatment programs when that employment is prohibited by federal  
law unless the employee has obtained any necessary federal  
4 waivers. The bill repeals a section of law that does not  
effectuate its legislative intent in that it restricts physicians  
6 from using certain drugs for legitimate medical purposes.  
Finally, this bill repeals a duplicative and unnecessary  
8 provision from the pharmacy laws.