

MAINE STATE LEGISLATURE

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BUSINESS AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 434, L.D. 576, Bill, "An Act to Update and Amend the Maine Pharmacy Act"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this bill establishes a statutory review committee to review the current scope of practice for pharmacists and to make recommendations for change; and

Whereas, the review must be initiated before the 90-day period expires in order that the review may be completed and the report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill in section 2 in subsection 2-A in the 2nd line (page 1, line 15 in L.D.) by inserting after the following: "device" the following: 'by a pharmacist for the pharmacist's patient'

Further amend the bill in section 2 in subsection 2-A in the 7th line (page 1, line 20 in L.D.) by inserting after the following: "orders" the following: 'to be received by the pharmacist'

COMMITTEE AMENDMENT

2 Further amend the bill in section 10 in subsection 2 in
3 paragraph F in the 4th line (page 3, line 38 in L.D.) by striking
4 out the following: "pursuant to Title 22, section 1711-C," and
5 inserting in its place the following: 'pursuant to state law,'

6
7 Further amend the bill by striking out all of section 11
8 (page 4, lines 4 to 14 in L.D.) and inserting in its place the
9 following:

10 'Sec. 11. 32 MRSA §13752, sub-§2, as enacted by PL 1987, c.
11 710, §5, is amended to read:

12
13 **2. Required information.** Applications for certificates of
14 registration shall ~~must~~ include the following information about
15 the proposed drug outlet and pharmacist in charge:

16
17 A. Ownership of the outlet;

18
19 B. Location of the outlet; and

20
21 C. Identity of the pharmacist licensed to practice in the
22 State who shall ~~will~~ be the pharmacist in charge of the drug
23 outlet, when one is required by this chapter, and such
24 further information as the board may deem ~~determine~~
25 necessary. A pharmacist may be the pharmacist in charge for
26 only one drug outlet, except upon the pharmacist applying
27 for and receiving written authorization from the board. The
28 position of pharmacist in charge may not be held by a
29 qualified assistant pharmacist; ~~and~~

30
31 D. A certification by the pharmacist identified as the
32 pharmacist in charge that the pharmacist has read and
33 understands the requirements and duties of a pharmacist in
34 charge set forth in board rules.'

35
36 Further amend the bill in section 15 in subsection 2 in
37 paragraph A in the last line (page 5, line 47 in L.D.) by
38 striking out the following: "practice." and inserting in its
39 place the following: 'practice;'

40
41 Further amend the bill in section 15 in subsection 2 in
42 paragraph B in the last line by striking out the following:
43 "necessary." and inserting in its place the following:
44 'necessary; and'

45
46 Further amend the bill in section 15 in subsection 2 by
47 adding after paragraph B the following:

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COMMITTEE AMENDMENT "A" to H.P. 434, L.D. 576

2 'C. To review the current requirements for the labeling of
prescriptions and to develop standards for the inclusion of
4 both brand names and generic names on prescription labels.'

6 Further amend the bill by inserting at the end before the
summary the following:

8 'Emergency clause. In view of the emergency cited in the
preamble, this Act takes effect when approved.'

10 Further amend the bill by inserting at the end before the
12 summary the following:

14 **FISCAL NOTE**

16 The Department of Professional and Financial Regulation will
18 incur some minor additional costs if the number of pharmacies
requiring reinspection increases. These costs will be offset by
20 additional application fees provided for those reinspections.

22 The additional costs associated with establishment of a
statutory review committee to review certain pharmacy issues and
24 report to the Legislature can be absorbed by the Department of
Professional and Financial Regulation utilizing existing budgeted
26 resources.'

28 **SUMMARY**

30 This amendment adds an emergency preamble and an emergency
32 clause to the bill. The amendment clarifies the definition of
"compounding." The amendment also removes reference to the Maine
34 Revised Statutes, Title 22, section 1711-C and adds breach of
confidentiality of health care information pursuant to state law
36 to the grounds for discipline. The amendment also requires
applications for certificates of registration to include a
38 certification by the pharmacist in charge. The amendment also
charges the statutory review committee with the duty of reviewing
40 requirements for the labeling of prescriptions. The amendment
also adds a fiscal note to the bill.

42

COMMITTEE AMENDMENT