

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1578

H.P. 1151

House of Representatives, April 16, 2003

An Act To Make Filling Out-of-State Prescriptions for Schedule II Drugs More Convenient

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BRUNO of Raymond.
Cosponsored by Representative: NUTTING of Oakland.

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

4 Whereas, prescriptions for schedule II drugs issued by
6 health care providers must be written on security prescription
blanks; and

8 Whereas, some prescriptions for schedule II drugs are
10 prescribed by health care providers from other states; and

12 Whereas, to allow patients to continue to receive their
prescriptions for schedule II drugs prescribed by out-of-state
14 health care providers this legislation must take effect
immediately; and

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

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

24 **Sec. 1. 32 MRSA §13786-A, sub-§§2 to 4** are enacted to read:

26 **2. Out-of-state prescription security requirements.**
28 Notwithstanding any law or rule to the contrary, a prescription
30 for a schedule II drug written by an out-of-state practitioner on
a prescription blank that does not comply with the requirements
32 for a security prescription blank, as defined in the Department
of Public Safety rule pursuant to subsection 1, may be filled by
a pharmacist only if:

34 A. The pharmacist demands, inspects and records a valid
36 photographic identification from any person presenting a
prescription; and

38 B. The pharmacist receives oral confirmation of the
40 validity of the prescription from the out-of-state
practitioner or the practitioner's agent and the pharmacist
42 makes a reasonable effort to determine that the oral
authorization came from the practitioner or the
44 practitioner's agent, which may include a telephone call to
the practitioner's telephone number listed in the telephone
46 or other directory, or other good faith efforts to confirm
the identity of the person giving the oral confirmation.

2 the pharmacist confirms the validity of the prescription by
telephone. Provision is also made for a partial dispensing of a
4 72-hour supply of the drug in case the oral confirmation is
delayed due to nights, weekends or holidays.