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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. Mag Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative BRUNO of Raymond. Cosponsored by Representative: NUTTING of Oakland. **Emergency preamble. Whereas,** Acts of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and

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

Whereas, some prescriptions for schedule II drugs are 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 health care providers this legislation must take effect immediately; 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,

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

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

2. Out-of-state prescription security requirements. Notwithstanding any law or rule to the contrary, a prescription 28 for a schedule II drug written by an out-of-state practitioner on a prescription blank that does not comply with the requirements 30 for a security prescription blank, as defined in the Department of Public Safety rule pursuant to subsection 1, may be filled by 32 a pharmacist only if: 34 A. The pharmacist demands, inspects and records a valid photographic identification from any person presenting a 36 prescription; and 38

B. The pharmacist receives oral confirmation of the 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 practitioner or the 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.

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2	3. Valid photographic identification. For the purposes of subsection 2, a valid photographic identification is limited to
2	the following:
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6	A. A valid Maine motor vehicle operator's license;
	B. A valid Maine identification card issued under Title
8	<u>29-A, section 1410;</u>
10	C. A valid United States passport; or
12	D. A valid passport or motor vehicle operator's license of
14	<u>another state, territory or possession of the United States</u> or a foreign country only if it:
± *	
16	(1) Contains a photograph of the person presenting the prescription;
18	prescription;
	(2) Is encased in tamper-resistant plastic or is
20	otherwise tamper-resistant; and
22	(3) Identifies the date of birth of the person
24	presenting the prescription.
61	4. Partial filling of out-of-state prescriptions. The
26	partial filling of a prescription for a schedule II drug written
28	by an out-of-state practitioner on a prescription blank that does not comply with the requirements for a security prescription
	blank, as defined in the Department of Public Safety rule
30	pursuant to subsection 1, is permissible if the pharmacist is
	unable after reasonable effort to obtain the oral confirmation
32	described in subsection 2 in the case of the practitioner's office being closed during nights, weekends or holidays. The
34	partial filling is limited to a 72-hour supply of the controlled
01	substance. The remaining portion of the prescription may be
36	filled within the 72-hour period upon obtaining the oral
	confirmation. No further quantity may be filled beyond the 72
38	hours without a new prescription:
40	Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.
42	From approvent

SUMMARY

46 This bill addresses the difficulty that a Maine resident may encounter if being treated by a practitioner from a state that 48 does not use security prescription blanks. The bill provides for a prescription written on a prescription blank that does not 50 comply with the requirements of Department of Public Safety rules to be filled if valid photographic identification is produced and

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