

MAINE STATE LEGISLATURE

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ROS

L.D. 630

DATE: 5/13/5

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 463, L.D. 630, Bill, "An Act Regarding Possession of Prescription Drugs"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 17-A MRSA §1107-A, sub-§4 is enacted to read:

4. It is an affirmative defense to prosecution under subsection 1, paragraphs C to F that the person possessed a valid prescription for the scheduled drug or controlled substance that is the basis for the charge and that, at all times, the person intended the drug to be used only for legitimate medical use in conformity with the instructions provided by the prescriber and dispenser.

Sec. 2. 22 MRSA §2383-B, sub-§1, as amended by PL 1999, c. 127, Pt. A, §35, is further amended to read:

1. Lawfully prescribed drugs. A person to whom or for whose use any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate medical purpose by a physician, dentist, podiatrist, pharmacist or other person acting in the usual course of professional practice and authorized by law or rule to do so and the owner or the person having the custody or control of any animal for which any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate veterinary

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2 medical purpose by a licensed veterinarian acting in the usual
course of professional veterinary practice may lawfully possess
4 the drug or substance, except when in use, only in the container
in which it was delivered by the person selling or dispensing the
6 drug or substance. For purposes of this subsection, "when in
use" includes reasonable repackaging for more convenient
legitimate medical use.'

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SUMMARY

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This amendment replaces the bill. It retains the purpose of
the bill and defines the words "when in use" in the drug laws.
14 It provides an affirmative defense to certain drug prosecutions
for a person who holds a valid prescription and who intends to
16 use the drug for legitimate medical use in conformity with the
instructions.