

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 630

H.P. 463

House of Representatives, February 8, 2005

An Act Regarding Possession of Prescription Drugs

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BISHOP of Boothbay.
Cosponsored by Senator MAYO of Sagadahoc and
Representatives: BARSTOW of Gorham, GLYNN of South Portland, JACOBSEN of
Waterboro, McKANE of Newcastle.

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

Sec. 1. 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 medical purpose by a licensed veterinarian acting in the usual course of professional veterinary practice may lawfully possess the drug or substance, except when in use, only in the container in which it was delivered by the person selling or dispensing the drug or substance.

Sec. 2. 22 MRSA §2383-B, sub-§2, ¶E, as amended by PL 1997, c. 340, §5, is further amended to read:

E. Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or rule to administer, dispense, prescribe or sell scheduled or prescription drugs, controlled substances or hypodermic apparatuses while acting within the course of their professional practice; and

Sec. 3. 22 MRSA §2383-B, sub-§2, ¶F, as enacted by PL 1997, c. 340, §5, is amended to read:

F. With regard to the possession or furnishing of hypodermic apparatuses, persons authorized by the Bureau of Health pursuant to a hypodermic apparatus exchange program, certified under chapter 252-A while acting within the scope of their employment under such programs; and

Sec. 4. 22 MRSA §2383-B, sub-§2, ¶G is enacted to read:

G. Close family members of or other persons authorized by a person lawfully in possession of the drug or controlled substance if the family member or authorized person is in possession of the drug or controlled substance for the purpose of assisting in filling a prescription, preparing the drug or substance to be administered or administering the drug or substance.

SUMMARY

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4 This bill allows a prescription drug prescribed for a person
to be kept outside of the container in which it was dispensed.
The bill allows close family members and other persons authorized
6 by a person lawfully in possession of a drug, controlled
substance or hypodermic apparatus to assist in filling a
8 prescription, preparing the drug or substance for administration
or administering the drug or substance.