

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1190

H.P. 819

House of Representatives, March 8, 2005

### **An Act To Create State Drug Schedules and Place Additional Restrictions on Prescribing Benzodiazepines**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PERRY of Calais.

Cosponsored by Representatives: MARRACHÉ of Waterville, SMITH of Van Buren, Senator:  
BROMLEY of Cumberland.

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

Sec. 1. 32 MRSA §13724 is enacted to read:

**§13724. Controlled Substances Board**

There is established the Controlled Substances Board, referred to in this section as "the board," to assist in the regulation of controlled substances. The board consists of one representative each of the Department of Professional and Financial Regulation, Board of Licensure in Medicine, Board of Pharmacy and Board of Osteopathic Licensure; the advanced practice registered nurse member of the State Board of Nursing; and one representative each of the Department of Public Safety, Maine Drug Enforcement Agency; Department of Health and Human Services, Office of Substance Abuse; and Office of the Attorney General. The board shall assist in the regulation of controlled substances through adopting rules for the prescribing, labeling and dispensing of controlled substances listed on federal Schedules II through V. The rules adopted must be identical to federal law and regulation for scheduled drugs under the Controlled Substances Act, Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, with the exceptions provided in this section. The rules must be more restrictive than federal requirements regarding benzodiazepines and must place benzodiazepines on a state schedule II. The rules may be more restrictive than federal requirements for all drugs on the federal schedules other than benzodiazepines. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**SUMMARY**

This bill establishes the Controlled Substances Board to assist in the regulation of controlled substances. The board consists of one representative each of the Department of Professional and Financial Regulation, Board of Licensure in Medicine, Board of Pharmacy and Board of Osteopathic Licensure; the advanced practice registered nurse member of the State Board of Nursing; and one representative each of the Department of Public Safety, Maine Drug Enforcement Agency; Department of Health and Human Services, Office of Substance Abuse; and Office of the Attorney General. The board assists in the regulation of controlled substances through adopting routine technical rules for the prescribing, labeling and dispensing of controlled substances listed on federal Schedules II through V. The rules are required to be more restrictive than federal requirements regarding benzodiazepines and must place benzodiazepines on a state schedule II.