

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1286

S.P. 449

March 9, 2007

### An Act To Impose Tighter Controls over Addictive Prescription Drugs

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

2 **Sec. 1. 22 MRSA §7246, sub-§8** is enacted to read:

3 **8. Restricted amount.** "Restricted amount" means an amount less than the  
4 prescribed amount of the controlled substance.

5 **Sec. 2. 22 MRSA §7246, sub-§9** is enacted to read:

6 **9. Standards of use.** "Standards of use" means standards for measuring the pattern  
7 of use by a customer of a controlled substance as adopted by the office pursuant to  
8 section 7250, subsection 6.

9 **Sec. 3. 22 MRSA §7248, sub-§3**, as enacted by PL 2003, c. 483, §1, is amended  
10 to read:

11 **3. Information available.** The program must rapidly provide information in an  
12 electronic format to prescribers and dispensers. For a dispenser seeking to determine  
13 whether the pattern of use of a controlled substance by a customer exceeds the standards  
14 of use, the program must provide monitoring program information in an electronic format  
15 on a real-time basis and the standards of use.

16 **Sec. 4. 22 MRSA §7249, sub-§4**, as enacted by PL 2003, c. 483, §1, is amended  
17 to read:

18 **4. Immunity from liability.** A dispenser is immune from liability for disclosure of  
19 information if the disclosure was made pursuant to and in accordance with this chapter.  
20 A dispenser is immune from liability for delaying dispensing a prescription, refusing to  
21 fill a prescription or dispensing a restricted amount of a prescription for a customer if,  
22 with regard to the prescription, the dispenser has accessed the standards of use and  
23 prescription monitoring information under section 7250, subsection 7 and has determined  
24 that the pattern of use of the customer exceeds the standards of use.

25 **Sec. 5. 22 MRSA §7250, sub-§6** is enacted to read:

26 **6. Standards of use.** The office shall adopt standards of use for controlled  
27 substances and shall make those standards available to dispensers for their use in  
28 determining whether the pattern of use of a controlled substance by a customer exceeds  
29 the standards of use. In adopting the standards of use, the office shall review best  
30 practices for prescribing controlled substances and shall incorporate into the standards of  
31 use consideration of the health status of and information and circumstances specific to the  
32 individual customer. The standards of use must be adopted by rulemaking under the  
33 Maine Administrative Procedure Act. Notwithstanding section 7252, rules adopted  
34 pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375,  
35 subchapter 2-A.

36 **Sec. 6. 22 MRSA §7250, sub-§7** is enacted to read:

