

# MAINE STATE LEGISLATURE

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Minority

L.D. 2253

Date: 4/4/18

(Filing No. H-936)

**Minority**  
**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**123RD LEGISLATURE**  
**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "B" to H.P. 1616, L.D. 2253, Bill, "An Act To License Certified Professional Midwives"

Amend the bill by striking out the title and substituting the following:

**'An Act To Provide Access to Certain Medications to Certified Midwives'**

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

'Sec. 1. 32 MRSA §13811 is enacted to read:

**§13811. Drug administration by certified midwives under certain conditions**

A midwife who can verify to a licensed pharmacist by certification card that the midwife has met the certification standards of an international certification agency whose mission is to establish and administer certification for the credential of certified professional midwife or other certifying body recognized by the board may:

1. Possession. Possess, in the course of the practice of midwifery, only the noncontrolled prescription drugs and substances set out in this subsection:

A. Oxygen;

B. Oxytocin, excluding the oxytocic drug methergine, for the sole purpose of postpartum control of maternal hemorrhage;

C. Vitamin K;

D. Eye prophylaxis; and

E. Local anesthetics or numbing agents for repair of lacerations; and

2. Administration. Administer, in the course of the practice of midwifery, those drugs that are listed in subsection 1. When administering oxytocin, a certified midwife may not administer more than 20 units of oxytocin to a single patient. Oxytocin may be

**COMMITTEE AMENDMENT**

1 administered only for postpartum purposes in order to treat hemorrhaging and specifically  
2 may not be used to induce labor. When a certified midwife administers oxytocin in  
3 accordance with this subsection, the certified midwife shall report that use to the maternal  
4 and child health division of the Department of Health and Human Services, the Maine  
5 Center for Disease Control and Prevention within 7 days of the use of oxytocin.

6 **Sec. 2. 32 MRSA §13812** is enacted to read:

7 **§13812. Dispensing of medication by pharmacist**

8 **1. Dispensing of medication.** A pharmacist, who in good faith relies upon a  
9 certification card presented by a midwife identifying that the midwife has met the  
10 certification standards described under section 13811, may sell and dispense to the  
11 midwife the noncontrolled prescription drugs and substances identified in section 13811.

12 **2. Good faith.** A pharmacist, or person acting at the direction of a pharmacist, who:

13 A. In good faith sells and dispenses noncontrolled prescription drugs and substances  
14 to a midwife pursuant to this section is not liable for any adverse reactions caused by  
15 any method of use by the midwife; and

16 B. Makes a report relating to the dispensing of noncontrolled prescription drugs and  
17 substances to a midwife pursuant to section 13811 to an enforcement agency is  
18 immune from any civil liability that may result from that action, including, but not  
19 limited to, any civil liability that might otherwise arise under state or local laws or  
20 rules regarding confidentiality of information.

21 In a proceeding in which a pharmacist, or person acting at the direction of a pharmacist,  
22 invokes the immunity provided pursuant to this section, there is a rebuttable presumption  
23 of good faith.

24 **Sec. 3. Maine Revised Statutes headnote amended; revision clause.** In the  
25 Maine Revised Statutes, Title 32, chapter 117, subchapter 11, in the subchapter headnote,  
26 the words "noncontrolled prescription drug administration" are amended to read  
27 "noncontrolled prescription drug dispensing and administration" and the Revisor of  
28 Statutes shall implement this revision when updating, publishing or republishing the  
29 statutes.'

30 **SUMMARY**

31 This amendment is the minority report of the committee. The amendment replaces  
32 the bill and authorizes midwives certified by an international certification agency to  
33 possess and administer a limited number of noncontrolled prescription drugs and  
34 substances in the course of the practice of midwifery, including oxygen; oxytocin,  
35 excluding the oxytocic drug methergine, for the sole purpose of postpartum control of  
36 maternal hemorrhaging; vitamin K; eye prophylaxis; and local anesthetics or numbing  
37 agents for repair of lacerations. It requires midwives to report the use of the  
38 antihemorrhagic medication to the maternal and child health division of the Department  
39 of Health and Human Services, Maine Center for Disease Control and Prevention.

40 It provides that a pharmacist, acting in good faith, is not prohibited from selling and  
41 dispensing any of those drugs and substances to a midwife. A pharmacist, or person

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1 acting at the direction of a pharmacist, who in good faith sells and dispenses  
2 noncontrolled prescription drugs and substances to a midwife is not liable for any adverse  
3 reactions caused by any method of use by the midwife. A pharmacist, or person acting at  
4 the direction of a pharmacist, who makes a report to an enforcement agency is immune  
5 from any civil liability that may result from that action, including, but not limited to, any  
6 civil liability that might otherwise arise under state or local laws or rules regarding  
7 confidentiality of information. It also establishes a rebuttable presumption of good faith  
8 for pharmacists.

FISCAL NOTE REQUIRED  
(See Attached)

**COMMITTEE AMENDMENT**



Approved: 03/26/08 *MAC*

# 123rd MAINE LEGISLATURE

LD 2253

LR 3554(03)

An Act To License Certified Professional Midwives

Fiscal Note for Bill as Amended by Committee Amendment "B"  
Committee: Business, Research and Economic Development

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Increases civil violation and Class E crime case-loads with a minor effect on fines. Increases the number of civil suits  
The collection of additional filing fees may also increase General Fund revenue by minor amounts.