

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 887

H.P. 654

House of Representatives, March 7, 2011

An Act To Include Medicinal Marijuana Patients in the Controlled Substances Prescription Monitoring Program

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HASKELL of Portland.
Cosponsored by Senator GERZOFKY of Cumberland and
Representatives: DILL of Cape Elizabeth, MALONEY of Augusta, PETERSON of Rumford,
WATERHOUSE of Bridgton, Senator: SAVIELLO of Franklin.

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

2 **Sec. 1. 22 MRSA §7249-A** is enacted to read:

3 **§7249-A. Reporting of medicinal marijuana patients**

4 **1. Information required.** Notwithstanding the provisions of section 2425,
5 subsection 8, paragraph C, the Department of Health and Human Services shall submit to
6 the office, by electronic means or other format authorized by the office, specific items of
7 information regarding medicinal marijuana patients holding registry identification cards
8 issued pursuant to section 2425, as follows:

9 A. The patient's name;

10 B. The patient's address;

11 C. The patient's date of birth;

12 D. The name of the physician who prepared the written certification upon which the
13 registry identification card was issued; and

14 E. The date the registry identification card was issued.

15 **Sec. 2. 22 MRSA §7250, sub-§1**, as enacted by PL 2003, c. 483, §1, is amended
16 to read:

17 **1. Confidentiality.** Except as provided in this section, prescription monitoring
18 information and information provided pursuant to section 7249-A submitted to the office
19 ~~is~~ are confidential and ~~is~~ are not a public ~~record~~ records as defined in Title 1, section 402,
20 subsection 3.

21 **Sec. 3. 22 MRSA §7250, sub-§4**, as corrected by RR 2009, c. 1, §§14 to 16, is
22 amended to read:

23 **4. Access to information.** The following persons may access prescription
24 monitoring information or information provided pursuant to section 7249-A:

25 A. A prescriber, insofar as the information relates to a patient under the prescriber's
26 care;

27 B. A dispenser, insofar as the information relates to a customer of the dispenser
28 seeking to have a prescription filled;

29 C. The executive director, or a board investigator as designated by each board, of the
30 state boards of licensure of podiatric medicine, dentistry, pharmacy, medicine,
31 osteopathy, veterinary medicine, nursing or other boards representing health care
32 disciplines whose licensees are prescribers, as required for an investigation, with
33 reasonable cause;

34 D. A patient to whom a prescription is written, insofar as the information relates to
35 that patient;

1 E. Office personnel or personnel of any vendor or contractor, as necessary for
2 establishing and maintaining the program's electronic system;

3 F. The Office of Chief Medical Examiner for the purpose of conducting an
4 investigation or inquiry into the cause, manner and circumstances of death in a
5 medical examiner case as described in section 3025. Prescription monitoring
6 information in the possession or under the control of the Office of Chief Medical
7 Examiner is confidential and, notwithstanding section 3022, may not be
8 disseminated. Information that is not prescription monitoring information and is
9 separately acquired following access to prescription monitoring information pursuant
10 to this paragraph remains subject to protection or dissemination in accordance with
11 section 3022; and

12 G. The office that administers the MaineCare program pursuant to chapter 855 for
13 the purposes of managing the care of its members, monitoring the purchase of
14 controlled substances by its members and avoiding duplicate dispensing of controlled
15 substances.

16 **Sec. 4. 22 MRSA §7251, sub-§2**, as enacted by PL 2003, c. 483, §1, is amended
17 to read:

18 **2. Unlawful disclosure or use of information.** A person who intentionally or
19 knowingly uses or discloses prescription monitoring information or information provided
20 pursuant to section 7249-A in violation of this chapter, unless otherwise authorized by
21 law, is guilty of a Class C crime.

22 **SUMMARY**

23 This bill requires the Department of Health and Human Services to include the names
24 and related information of medicinal marijuana patients registered with the State in the
25 Controlled Substances Prescription Monitoring Program operated by the Office of
26 Substance Abuse. The information submitted is confidential as are the names of patients
27 using controlled substances and prescribers of controlled substances.