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1	L.D. 37
	Date: $6/9/19$ (Filing No. H-466)
2	Date: 6/4/19 Majority (Filing No. H-466)
2	INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND
3 4	BUSINESS
5	Reproduced and distributed under the direction of the Clerk of the House,
	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
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8	129TH LEGISLATURE
9	FIRST REGULAR SESSION
10	COMMITTEE AMENDMENT "A" to H.P. 38, L.D. 37, Bill, "An Act To Allow
10	for the Sale of Nonprescription Drugs through Vending Machines"
12	Amend the bill by striking out everything after the enacting clause and inserting the
12	following:
14	'Sec. 1. 32 MRSA §13751, sub-§2, as amended by PL 2007, c. 402, Pt. DD, §22,
15	is further amended to read:
16 17	2. Classifications. Pharmacies must be licensed in classifications set out in this subsection.
18	Each pharmacy must apply for a license in one of the following classifications:
19	A. Retail pharmacy;
20	B. Mail order prescription pharmacy;
21	C. Wholesale pharmacy;
22	D. Rural health center; or
23	E. Free clinic ₇ ; or
24	F. Vending machine outlet.
25	Sec. 2. 32 MRSA §13792, as enacted by PL 1987, c. 710, §5, is repealed and the
26	following enacted in its place:
27	§13792. Sale by certain methods prohibited
28	1. Methods of sale prohibited. A person may not sell, distribute, vend or otherwise
29	dispose of any drug, medicine or pharmaceutical or medical preparation by means of any
30	public exhibition, entertainment, performance, carnival or by vending machines, except
31	as described in subsection 2.

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 38, L.D. 37

1 2 3 4	2. Sale of nonprescription drugs by vending machines. The Maine Board of Pharmacy shall adopt rules to allow a pharmacy licensed as a vending machine outlet in accordance with section 13751 to sell or distribute nonprescription drugs by vending machines. The rules must include, but are not limited to, the following:
5 6	A. A requirement that only nonprescription drugs may be dispensed by a vending machine;
7 8 9	B. A requirement that nonprescription drugs dispensed by a vending machine must be stored in accordance with manufacturer recommendations, including those that require a stable temperature;
10 11 12	C. A requirement that nonprescription drugs dispensed by a vending machine must be sold only in the manufacturer's clearly labeled, original, unbroken, tamper-proof and expiration-dated packaging;
13 14	D. A requirement that nonprescription drugs dispensed by a vending machine may not be older than the manufacturer's expiration date;
15 16	E. A limitation that no more than 12 different nonprescription drugs may be dispensed by any single vending machine;
17 18 19 20 21 22	F. A requirement that a vending machine through which nonprescription drugs are dispensed must have an obvious and legible statement on the machine that identifies the owner of the machine, a toll-free telephone number at which the consumer may contact the owner of the machine, a statement advising the consumer to check the expiration date of the product before using the product and the telephone number of the board;
23 24	G. Identification of any nonprescription drugs that may not be dispensed by a vending machine; and
25 26	H. Identification of locations at which a vending machine dispensing nonprescription drugs may not be located, including the following:
27	(1) Private schools as defined in Title 20-A, section 1, subsection 22;
28 29	(2) Public preschool programs as defined in Title 20-A, section 1, subsection 23-A;
30	(3) Public schools as defined in Title 20-A, section 1, subsection 24; and
31 32	(4) Child care facilities as defined in Title 22, section 8301-A, subsection 1-A, paragraph B.'
33 34	Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.
35	SUMMARY
36	This amendment adds a "vending machine outlet" pharmacy licensing classification

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "/" to H.P. 38, L.D. 37

and requires that the Maine Board of Pharmacy adopt rules in accordance with certain specified requirements.

FISCAL NOTE REQUIRED

(See attached)

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COMMITTEE AMENDMENT

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129th MAINE LEGISLATURE

LD 37

LR 156(02)

An Act To Allow for the Sale of Nonprescription Drugs through Vending Machines

Fiscal Note for Bill as Amended by Committee Amendment $\mathcal{H}(\mathcal{H}-\mathcal{H}_{6})$ Committee: Innovation, Development, Economic Advancement and Business Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Maine Board of Pharmacy within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation to implement the requirements of this legislation can be absorbed within existing budgeted resources.