

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 330

H.P. 234

House of Representatives, February 8, 2021

An Act To Prevent Accidental Overdoses by Establishing a Protocol for Prescription Drug Recovery

Received by the Clerk of the House on February 4, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: CRAVEN of Lewiston, EVANS of Dover-Foxcroft, KESSLER of South
Portland, McCREA of Fort Fairfield, MEYER of Eliot, O'CONNOR of Berwick, PERRY of
Calais, ZAGER of Portland.

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

2 **Sec. 1. 22 MRSA §7246, sub-§2**, as repealed and replaced by PL 2017, c. 360, §1,
3 is amended to read:

4 **2. Dispenser.** "Dispenser" means:

5 A. A pharmacist who is licensed or registered under Title 32; or

6 B. A veterinarian licensed under Title 32, chapter 71-A with authority to dispense a
7 benzodiazepine or an opioid medication; or

8 C. An administering provider as defined in section 7351, subsection 1, paragraph A.

9 **Sec. 2. 22 MRSA §7249, sub-§1**, as amended by PL 2017, c. 360, §3, is further
10 amended to read:

11 **1. Information required.** Except as provided in subsection 1-A ~~or~~ 1-B or 1-C, each
12 dispenser shall submit to the department, by electronic means or other format specified in
13 a waiver granted by the department, specific items of information regarding dispensed
14 controlled substances determined by the department from the following list:

15 A. The dispenser identification number;

16 B. The date the prescription was filled;

17 C. The prescription number;

18 D. Whether the prescription is new or is a refill;

19 E. The National Drug Code (NDC) for the drug dispensed;

20 F. The quantity dispensed;

21 G. The dosage;

22 H. The patient identification number;

23 I. The patient name;

24 J. The patient address;

25 K. The patient date of birth;

26 L. The prescriber identification number;

27 M. The date the prescription was issued by the prescriber; and

28 N. The department-issued serial number if the department chooses to establish a serial
29 prescription system.

30 **Sec. 3. 22 MRSA §7249, sub-§1-C** is enacted to read:

31 **1-C. Dispensing by administering providers.** If a controlled substance is dispensed
32 by an administering provider, as defined in section 7351, subsection 1, paragraph A, that
33 administering provider is required to provide only the information required by subsection
34 1, paragraphs B, D and F to K.

35 **Sec. 4. 22 MRSA c. 1627** is enacted to read:

36 **CHAPTER 1627**

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SUMMARY

This bill seeks to reduce accidental overdose deaths caused by access to unused controlled substances by:

1. Requiring an entity, agency, facility or individual who offers or plans to offer any in-home or community support services or institutionally based long-term care services and who administers a controlled substance to an adult with long-term care needs as part of those services, referred to in the bill as "an administering provider," to document any controlled substance prescribed and obtained for the adult with long-term care needs, referred to in the bill as "the client-patient," and to participate in the Controlled Substances Prescription Monitoring Program under the Maine Revised Statutes, Title 22, chapter 1603, with certain exceptions;

2. Requiring that all controlled substances be kept in a locked container to which only the administering provider, the client-patient and, if there is one, a designated caregiver have access; and

3. Requiring the administering provider, upon the death of the client-patient, to collect any unused controlled substances that were prescribed and obtained for that client-patient and dispose of them properly after documenting the National Drug Code, quantity and strength. The administering provider is required to submit this documentation, including the manner of disposal of the controlled substances collected from the deceased client-patient, to the Department of Health and Human Services using the reporting system established in the Controlled Substances Prescription Monitoring Program under the Maine Revised Statutes, Title 22, chapter 1603.