LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

(2) Conducted for any cosmetic or cosmetic ingredient subject to regulation under Chapter V of the Federal Food, Drug, and Cosmetic Act, 21 United States Code, Section 351;

(3) Conducted for a cosmetic ingredient intended to be used in a product that is not a cosmetic product and conducted pursuant to a requirement of a federal, state or foreign regulatory authority as long as no evidence derived from the testing was relied upon to substantiate the safety of a cosmetic sold in this State by a manufacturer, unless all of the following apply:

(a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the International Organisation for Economic Co-operation and Development or its successor organization for the relevant safety endpoints for the cosmetic ingredient or nonfunctional constituent;

(b) There is documented evidence of the noncosmetic intent of the test; and

(c) There is a history of use of the ingredient outside of cosmetics at least 12 months prior to the reliance; or

(4) Requested, required or conducted by a federal or state regulatory authority and all of the following apply:

(a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the International Organisation for Economic Co-operation and Development or its successor organization for the relevant safety endpoints for the cosmetic ingredient or nonfunctional constituent;

(b) The cosmetic ingredient or nonfunctional constituent poses a risk of causing a specific human health problem that is substantiated and the need to conduct cosmetic animal testing is justified and is supported by a detailed research protocol proposed as the basis for the evaluation of the cosmetic ingredient or nonfunctional constituent; and

(c) The cosmetic ingredient or nonfunctional constituent is in wide use and, in the case of a cosmetic ingredient, cannot be replaced by another cosmetic ingredient capable of performing a similar function;

B. A cosmetic if the cosmetic in its final form was tested on animals before November 1, 2021, even if the cosmetic is manufactured on or after that date as long as no new cosmetic animal testing in violation of this section occurred on or after November 1, 2021;

C. A cosmetic ingredient if it was tested on animals before November 1, 2021, even if the ingredient is manufactured on or after that date as long as no new cosmetic animal testing in violation of this section occurred on or after November 1, 2021; or

D. A cosmetic manufacturer reviewing, assessing or retaining evidence from a cosmetic animal test.

4. Penalties. A manufacturer that sells or offers for sale a cosmetic in violation of subsection 2 commits a civil violation punishable by a fine of not more than $5,000 for the first day of the violation for selling or offering for sale that cosmetic and an additional fine of $1,000 for each day that the violation for selling or offering for sale that cosmetic continues.

5. Enforcement. A violation of this section may be enforced by the Attorney General or by the district attorney for the county in which the violation occurred. Notwithstanding any law to the contrary, all fines levied and collected for violations of this section, less court costs, must be distributed to the agency bringing the action that resulted in the fine. The State may bring an action in Superior Court to enjoin any manufacturer from violating this section, regardless of whether proceedings have been or may be instituted in the District Court or whether civil proceedings have been or may be instituted.

See title page for effective date.

CHAPTER 161

H.P. 984 - L.D. 1333

An Act Concerning the Controlled Substances Prescription Monitoring Program and the Dispensing of Naloxone Hydrochloride by Emergency Medical Services Providers

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, an increasing number of residents of Maine are dying as a result of opioid-related overdoses; and

Whereas, increasing naloxone hydrochloride distribution is critical to saving lives; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of

the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §2353, sub-§2-A is enacted to read:

2-A. Dispensing of naloxone hydrochloride by emergency medical services persons, ambulance services and nontransporting emergency medical services. Notwithstanding any provision of law to the contrary, pursuant to a standing order issued in accordance with protocols developed by the Medical Direction and Practices Board pursuant to Title 32, section 88-B, subsection 1, paragraph A, an emergency medical services person, ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B may dispense naloxone hydrochloride to an individual of any age at risk of experiencing an opioid-related drug overdose or to a member of the individual's immediate family, a friend of the individual or another person in a position to assist the individual if the individual is at risk of experiencing an opioid-related drug overdose.

Sec. 2. 22 MRSA §7250, sub-§4, ¶K, as amended by PL 2017, c. 213, §6, is further amended to read:

K. The chief medical officer, medical director or other administrative prescriber employed by a licensed hospital, insofar as the information relates to prescriptions written by prescribers employed by that licensed hospital; ~~and~~

Sec. 3. 22 MRSA §7250, sub-§4, ¶K-1 is enacted to read:

K-1. The chief medical officer, medical director or other administrative prescriber employed by a federally qualified health center as defined in 42 United States Code, Section 1395x, subsection (aa) (1993) or a group practice of prescribers insofar as the information relates to prescriptions written by prescribers employed by the federally qualified health center or the group practice; and

Sec. 4. 32 MRSA §85, sub-§8 is enacted to read:

8. Naloxone hydrochloride. An emergency medical services person licensed under this chapter may dispense naloxone hydrochloride in accordance with Title 22, section 2353, subsection 2-A and the rules adopted and protocols developed for emergency medical services persons under this chapter.

Sec. 5. 32 MRSA §86, sub-§4 is enacted to read:

4. Naloxone hydrochloride. An ambulance service or a nontransporting emergency medical service licensed under this chapter may dispense naloxone hydrochloride in accordance with Title 22, section 2353, subsection 2-A and the rules adopted and protocols developed for ambulance services and nontransporting emergency medical services under this chapter.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 11, 2021.

CHAPTER 162

H.P. 1089 - L.D. 1474

An Act To Promote Outdoor Recreational Opportunities for Maine Students

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation provides a clear and safe regulatory structure for educational institutions to conduct recreational trips, and this structure needs to be in place as soon as possible for the summer recreational season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §1806, sub-§4, ¶H, as amended by PL 2009, c. 211, Pt. B, §3, is further amended to read:

H. Violates the requirements for a youth camp trip leader permit issued under section 12860; ~~or~~

Sec. 2. 12 MRSA §1806, sub-§4, ¶I, as enacted by PL 2001, c. 604, §6, is amended to read:

I. Enters land or waters to which access has been restricted under section 1804~~.~~; or

Sec. 3. 12 MRSA §1806, sub-§4, ¶J is enacted to read:

J. Violates the requirements for an educational trip leader permit issued under section 12863.

Sec. 4. 12 MRSA c. 927 title is amended to read:

CHAPTER 927