

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

American National Standards Institute and the Association of Pool and Spa Professionals or successor organizations as identified by the department by rule.

Sec. 3. 32 MRSA §1222, sub-§3, as enacted by PL 2013, c. 264, §8, is amended to read:

3. Civil Administrative penalty. A person who practices electrology without a license or who violates the sterilization, sanitation or safety standards adopted by the department under this chapter ~~commits a civil violation for which a fine~~ is subject to an administrative penalty, imposed by the department, of not less than \$500 nor more than \$1,000 ~~may be adjudged~~ for each violation. Each day the violation remains uncorrected may be counted as a separate offense.

Sec. 4. 32 MRSA §1222, sub-§5 is enacted to read:

5. Schedule of penalties. The department shall adopt major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties according to the nature and duration of the violation of this section.

Sec. 5. 32 MRSA §4204, sub-§1, as enacted by PL 2013, c. 264, §14, is amended to read:

1. Penalty Administrative penalty. A person who fails to be licensed as required by this chapter, violates the sterilization, sanitation or safety standards adopted by the ~~Department of Health and Human Services~~ department under section 4251 or performs tattooing on a minor ~~commits a civil violation for which a fine~~ is subject to an administrative penalty, imposed by the department, of not less than \$500 nor more than \$1,000 ~~may be adjudged~~ for each violation. Each day the violation remains uncorrected may be counted as a separate offense.

Sec. 6. 32 MRSA §4204, sub-§4 is enacted to read:

4. Schedule of penalties. The department shall adopt major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties according to the nature and duration of the violation of this section.

Sec. 7. 32 MRSA §4318, sub-§1, as enacted by PL 2013, c. 264, §16, is amended to read:

1. Penalty Administrative penalty. A person who fails to be licensed as provided by section 4312 or violates the sterilization, sanitation or safety standards adopted by the department under section 4313 ~~commits a civil violation for which a fine~~ is subject to an administrative penalty, imposed by the department, of not less than \$500 nor more than \$1,000 ~~may be adjudged~~ for each violation. Each day the violation remains uncorrected may be counted as a separate offense.

Sec. 8. 32 MRSA §4318, sub-§3 is enacted to read:

3. Schedule of penalties. The department shall adopt major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties according to the nature and duration of the violation of this section.

Sec. 9. 32 MRSA §4327, sub-§1, as enacted by PL 2013, c. 264, §17, is amended to read:

1. Penalty Administrative penalty. A person who fails to be licensed as provided by section 4324, violates the sterilization, sanitation or safety standards adopted by the department under section 4326 or performs body piercing on a minor without parental consent under section 4323 ~~commits a civil violation for which a fine~~ is subject to an administrative penalty, imposed by the department, of not less than \$500 nor more than \$1,000 ~~may be adjudged~~ for each violation. Each day the violation remains uncorrected may be counted as a separate offense.

Sec. 10. 32 MRSA §4327, sub-§4 is enacted to read:

4. Schedule of penalties. The department shall adopt major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties according to the nature and duration of the violation of this section.

See title page for effective date.

CHAPTER 114

H.P. 111 - L.D. 170

An Act to Clarify the Authority of the Director of the Real Estate Commission to Investigate Complaints

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

Sec. 1. 32 MRSA §13069, sub-§6, as amended by PL 2007, c. 402, Pt. BB, §15, is repealed and the following enacted in its place:

6. Investigations. The director may, in accordance with this subsection, investigate the actions of any licensee under this chapter, or any person or entity that assumes to act in a capacity requiring a license under this chapter, upon receipt of a written complaint or in accordance with the guidelines prescribed by the commission by rule.

A. If the director receives a written complaint under this subsection, the director shall review the complaint to determine whether the complaint describes a violation of law or rule that is within the authority of the commission to enforce. If the director determines that a complaint does not describe a violation of law or rule that is within the

authority of the commission to enforce, the director shall notify the person who submitted the complaint of this determination. If the director determines that the complaint does describe a violation of law or rule that is within the authority of the commission to enforce, the director shall investigate the actions described in the complaint.

B. If the director undertakes an investigation under this subsection, either of a written complaint or in accordance with guidelines prescribed by the commission by rule, the director shall, upon completion of the investigation, take one of the following actions:

- (1) With the commission's approval, dismiss the complaint;
- (2) With the consent of the parties and subject to approval of the commission and commission counsel, execute a consent agreement; or
- (3) Issue a staff petition for hearing before the commission, which may include a recommended disposition.

See title page for effective date.

**CHAPTER 115
S.P. 158 - L.D. 351**

**An Act to Increase Access to
Birth Control by Making
Certain Contraception
Accessible from a Pharmacist**

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

Sec. 1. 32 MRSA c. 117, sub-c. 12-A is enacted to read:

SUBCHAPTER 12-A

PRESCRIBING, DISPENSING AND ADMINISTERING CONTRACEPTIVES

§13826. Authorization to prescribe, dispense and administer contraceptives

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Injectable hormonal contraceptive" means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that is administered by injection.

B. "Self-administered hormonal contraceptive" means a drug composed of a single hormone or a combination of hormones that is approved by the United States Food and Drug Administration to

prevent pregnancy and that the patient to whom the drug is prescribed may self-administer. "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive, a hormonal vaginal ring and a hormonal contraceptive patch.

2. Authorization. A pharmacist may prescribe, dispense or administer a self-administered hormonal contraceptive or injectable hormonal contraceptive in accordance with the requirements set forth in subsection 3.

3. Requirements. In order to prescribe, dispense or administer contraceptives under this section, a pharmacist shall:

A. Successfully complete a training program approved by the board related to prescribing, dispensing and administering contraceptives that reflects evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients;

B. Obtain a certificate of authorization issued by the board pursuant to subsection 4;

C. Obtain a completed self-screening risk assessment from a patient prior to counseling the patient and issuing a prescription to the patient for a self-administered hormonal contraceptive or injectable hormonal contraceptive. The self-screening risk assessment and counseling provided by a pharmacist must be based on evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients;

D. Refer the patient to the patient's practitioner upon dispensing a self-administered hormonal contraceptive or administering an injectable hormonal contraceptive or, if the patient does not have a practitioner responsible for the patient's regular care, advise the patient to consult a practitioner;

E. Provide the patient with a written record of the prescribed self-administered hormonal contraceptive or injectable hormonal contraceptive; and

F. Dispense the self-administered hormonal contraceptive or administer the injectable hormonal contraceptive to the patient as soon as practicable after the pharmacist issues the prescription.

4. Certificate of authorization. A pharmacist shall apply in the form prescribed by the board and submit a certificate fee as set forth in section 13724 for a certificate of authorization to prescribe, dispense and administer contraceptives pursuant to this section. The certificate of authorization expires and is subject to conditions in the same manner as in section 13734. The board shall issue a certificate of authorization to a pharmacist who holds a valid unrestricted license in this State and who submits evidence acceptable to the board that the pharmacist has completed the training described in subsection 3, paragraph A.