

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Impose Tighter Controls over Addictive Prescription Drugs**

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

**Sec. 1. 22 MRSA §7246, sub-§8** is enacted to read:

**8. Restricted amount.** "Restricted amount" means an amount less than the prescribed amount of the controlled substance.

**Sec. 2. 22 MRSA §7246, sub-§9** is enacted to read:

**9. Standards of use.** "Standards of use" means standards for measuring the pattern of use by a customer of a controlled substance as adopted by the office pursuant to section 7250, subsection 6.

**Sec. 3. 22 MRSA §7248, sub-§3,** as enacted by PL 2003, c. 483, §1, is amended to read:

**3. Information available.** The program must rapidly provide information in an electronic format to prescribers and dispensers. For a dispenser seeking to determine whether the pattern of use of a controlled substance by a customer exceeds the standards of use, the program must provide monitoring program information in an electronic format on a real-time basis and the standards of use.

**Sec. 4. 22 MRSA §7249, sub-§4,** as enacted by PL 2003, c. 483, §1, is amended to read:

**4. Immunity from liability.** A dispenser is immune from liability for disclosure of information if the disclosure was made pursuant to and in accordance with this chapter. A dispenser is immune from liability for delaying dispensing a prescription, refusing to fill a prescription or dispensing a restricted amount of a prescription for a customer if, with regard to the prescription, the dispenser has accessed the standards of use and prescription monitoring information under section 7250, subsection 7 and has determined that the pattern of use of the customer exceeds the standards of use.

**Sec. 5. 22 MRSA §7250, sub-§6** is enacted to read:

**6. Standards of use.** The office shall adopt standards of use for controlled substances and shall make those standards available to dispensers for their use in determining whether the pattern of use of a controlled substance by a customer exceeds the standards of use. In adopting the standards of use, the office shall review best practices for prescribing controlled substances and shall incorporate into the standards of use consideration of the health status of and information and circumstances specific to the individual customer. The standards of use must be adopted by rulemaking under the Maine Administrative Procedure Act. Notwithstanding section 7252, rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 6. 22 MRSA §7250, sub-§7** is enacted to read:

**7. Determination regarding the standards of use.** A dispenser who has cause to question whether the pattern of use of a controlled substance by a customer exceeds the standards of use may access the standards of use and prescription monitoring information through the program and make a determination as to whether the customer's pattern of use exceeds the standards of use.

**Sec. 7. 22 MRSA §7250-A** is enacted to read:

**§ 7250-A. Restricted dispensing**

A dispenser who determines pursuant to section 7250, subsection 7 that the pattern of use of a controlled substance by a customer exceeds the standards of use may, in the exercise of professional judgment, delay dispensing a prescription, dispense a lesser amount of the controlled substance or refuse to dispense a prescription to the customer.

**Sec. 8. Rulemaking.** The Maine Board of Pharmacy shall adopt rules to implement this Act as it pertains to persons licensed or registered to dispense controlled substances. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

## SUMMARY

This bill amends the law governing the Controlled Substances Prescription Monitoring Program to provide a mechanism for pharmacists and other dispensers of prescription drugs to delay filling a prescription for a controlled substance of a person whose pattern of use exceeds the standards of use, to dispense only part of the prescription or to refuse to dispense any of the prescription. The bill directs the Maine Board of Pharmacy and the Department of Health and Human Services, Office of Substance Abuse to adopt routine technical rules to implement the provisions of the bill.