



125th MAINE LEGISLATURE

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Legislative Document

No. 1406

S.P. 434

In Senate, April 6, 2011

An Act Regarding the Scope of Services That May Be Provided by Pharmacies Owned by Hospitals

Reference to the Committee on Health and Human Services suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator FARNHAM of Penobscot.
Cosponsored by Representative FOSSEL of Alna and
Senator: JACKSON of Aroostook, Representative: WELSH of Rockport.

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

2 **Sec. 1. 22 MRSA §1832** is enacted to read:

3 **§1832. Scope of services of hospital pharmacy**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Affiliated" means a relationship in which one entity owns 100% of the
7 ownership interest in the hospital and the long-term care facility or nursing facility.

8 B. "Hospital pharmacy" means a facility that is owned by and located in a hospital
9 and is engaged in dispensing, delivering or distributing prescription drugs.

10 C. "Long-term care facility" has the same meaning as in section 7852, subsection 9.

11 D. "Nursing facility" has the same meaning as in section 1812-A.

12 E. "Prescription drug" has the same meaning as in Title 32, section 13702-A,
13 subsection 30.

14 **2. Scope of services.** A hospital pharmacy may dispense prescription drugs to a
15 person who is a patient in the hospital that owns the pharmacy and to a person who is
16 receiving health care services in a nursing facility or a long-term care facility that is
17 affiliated with that hospital.

18 **Sec. 2. 32 MRSA §13702-A, sub-§24,** as enacted by PL 2007, c. 402, Pt. DD,
19 §2, is amended to read:

20 **24. Pharmacy.** "Pharmacy" means:

21 A. Any pharmacy or drug outlet located in a retail store, mail order business, free
22 clinic or rural health center with facilities located in this State that is engaged in
23 dispensing, delivering or distributing prescription drugs; or

24 B. Any mail order prescription company, or wholesaler, with facilities located in this
25 State or doing business in this State that is engaged in dispensing, delivering or
26 distributing prescription drugs.

27 "Pharmacy" does not include a hospital pharmacy as defined in Title 22, section 1832,
28 subsection 1, paragraph B.

29 **SUMMARY**

30 This bill provides that a pharmacy that is owned by and located in a hospital may
31 dispense prescription drugs to a person who is a patient in that hospital and to a person
32 who is receiving health care services in a nursing facility or a long-term care facility that
33 is affiliated with that hospital. It clarifies that the definition of "pharmacy" in the Maine
34 Pharmacy Act does not include a hospital pharmacy.