

§7253. Prescribers and dispensers required to check prescription monitoring information

1. Prescribers. On or after January 1, 2017, upon initial prescription of a benzodiazepine or an opioid medication to a person and every 90 days for as long as that prescription is renewed, a prescriber shall check prescription monitoring information for records related to that person. [PL 2015, c. 488, §9 (NEW).]

2. Dispensers. A dispenser shall check prescription monitoring information prior to dispensing a benzodiazepine or an opioid medication to a person under any of the following circumstances:

- A. The person is not a resident of this State; [PL 2015, c. 488, §9 (NEW).]
- B. The prescription is from a prescriber with an address outside of this State; [PL 2015, c. 488, §9 (NEW).]
- C. The person is paying cash when the person has prescription insurance on file; or [PL 2015, c. 488, §9 (NEW).]
- D. According to the pharmacy prescription record, the person has not had a prescription for a benzodiazepine or an opioid medication in the previous 12-month period. [PL 2015, c. 488, §9 (NEW).]

A dispenser shall withhold a prescription until the dispenser is able to contact the prescriber of that prescription if the dispenser has reason to believe that the prescription is fraudulent or duplicative. [PL 2017, c. 360, §6 (AMD).]

2-A. Dispensers who are veterinarians. Notwithstanding subsection 2, a dispenser who is a veterinarian licensed under Title 32, chapter 71-A shall check prescription monitoring information prior to dispensing a benzodiazepine or an opioid medication for an animal except in circumstances described in subsection 3, paragraph C. [PL 2017, c. 360, §7 (NEW).]

3. Exceptions. The requirements to check prescription monitoring information established in this section do not apply:

- A. When a licensed or certified health care professional directly orders or administers a benzodiazepine or an opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility or in connection with a surgical procedure; [PL 2017, c. 360, §8 (AMD).]
- B. When a licensed or certified health care professional directly orders, prescribes or administers a benzodiazepine or an opioid medication to a person suffering from pain associated with end-of-life or hospice care; or [PL 2017, c. 360, §8 (AMD).]
- C. When a veterinarian licensed under Title 32, chapter 71-A is providing care to an animal in a mobile or emergency setting or is dispensing a benzodiazepine or an opioid medication in an amount to be used during a period of 48 hours or less after the benzodiazepine or opioid medication is dispensed. [PL 2017, c. 360, §8 (NEW).]

[PL 2017, c. 360, §8 (AMD).]

4. Violation. A person who violates this section commits a civil violation for which a fine of \$250 per incident, not to exceed \$5,000 per calendar year, may be adjudged. [PL 2015, c. 488, §9 (NEW).]

5. Rulemaking.
[PL 2017, c. 213, §10 (RP).]

SECTION HISTORY

PL 2015, c. 488, §9 (NEW). PL 2017, c. 122, §1 (AMD). PL 2017, c. 213, §§8-10 (AMD). PL 2017, c. 360, §§6-8 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.