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Legislative Document

No. 2155

H.P. 1543

House of Representatives, March 17, 2020

An Act To Prevent Accidental Overdoses by Establishing a Protocol for Prescription Drug Recovery

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.

Cosponsored by Senator FOLEY of York and

Representatives: BRENNAN of Portland, CAMPBELL of Orrington, CRAVEN of Lewiston, McCREA of Fort Fairfield, O'CONNELL of Brewer, Senators: CLAXTON of Androscoggin, GRATWICK of Penobscot, MOORE of Washington.

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

2 **Sec. 1. 22 MRSA §7246, sub-§2**, as repealed and replaced by PL 2017, c. 360,
3 §1, is amended to read:

4 **2. Dispenser.** "Dispenser" means:

5 A. A pharmacist who is licensed or registered under Title 32; ~~or~~

6 B. A veterinarian licensed under Title 32, chapter 71-A with authority to dispense a
7 benzodiazepine or an opioid medication; ~~or~~

8 C. An administering provider as defined in section 7351, subsection 1, paragraph A.

9 **Sec. 2. 22 MRSA §7249, sub-§1**, as amended by PL 2017, c. 360, §3, is further
10 amended to read:

11 **1. Information required.** Except as provided in subsection 1-A ~~or~~, 1-B ~~or~~ 1-C, each
12 dispenser shall submit to the department, by electronic means or other format specified in
13 a waiver granted by the department, specific items of information regarding dispensed
14 controlled substances determined by the department from the following list:

15 A. The dispenser identification number;

16 B. The date the prescription was filled;

17 C. The prescription number;

18 D. Whether the prescription is new or is a refill;

19 E. The National Drug Code (NDC) for the drug dispensed;

20 F. The quantity dispensed;

21 G. The dosage;

22 H. The patient identification number;

23 I. The patient name;

24 J. The patient address;

25 K. The patient date of birth;

26 L. The prescriber identification number;

27 M. The date the prescription was issued by the prescriber; and

28 N. The department-issued serial number if the department chooses to establish a
29 serial prescription system.

30 **Sec. 3. 22 MRSA §7249, sub-§1-C** is enacted to read:

31 **1-C. Dispensing by administering providers.** If a controlled substance is
32 dispensed by an administering provider, as defined in section 7351, subsection 1,
33 paragraph A, that administering provider is required to provide only the information
34 required by subsection 1, paragraphs B, D and F to K.

1 including any changes made to the policy subsequent to initial submission, to the
2 department for review.

3 **6. Rulemaking.** The department shall adopt routine technical rules, pursuant to Title
4 5, chapter 375, subchapter 2-A, to implement the provisions of this chapter, including
5 providing guidance for methods of proper disposal of controlled substances collected
6 pursuant to subsection 4.

7 **SUMMARY**

8 This bill seeks to reduce accidental overdose deaths caused by access to unused
9 controlled substances by:

10 1. Requiring an entity, agency, facility or individual who offers or plans to offer any
11 in-home or community support services or institutionally based long-term care services
12 and who administers a controlled substance to an adult with long-term care needs as part
13 of those services, referred to in the bill as "an administering provider," to document any
14 controlled substance prescribed and obtained for the adult with long-term care needs,
15 referred to in the bill as "the client-patient," and to participate in the Controlled
16 Substances Prescription Monitoring Program, with certain exceptions;

17 2. Requiring that all controlled substances be kept in a locked container to which
18 only the administering provider, the client-patient and, if there is one, a designated
19 caregiver have access; and

20 3. Requiring the administering provider, upon the death of the client-patient, to
21 collect any unused controlled substances that were prescribed and obtained for that client-
22 patient and dispose of them properly after documenting the National Drug Code, quantity
23 and strength. The administering provider is required to submit this documentation,
24 including the manner of disposal of the controlled substances collected from the deceased
25 client-patient, to the Department of Health and Human Services using the reporting
26 system established in the Controlled Substances Prescription Monitoring Program.