§2383-B. Authorized possession by individuals

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Lawfully prescribed drugs. A person to whom or for whose use any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate medical purpose by a physician, dentist, podiatrist, pharmacist or other person acting in the usual course of professional practice and authorized by law or rule to do so and the owner or the person having the custody or control of any animal for which any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate veterinary medical purpose by a licensed veterinarian acting in the usual course of professional veterinary practice may lawfully possess the drug or substance, except when in use, only in the container in which it was delivered by the person selling or dispensing the drug or substance. For purposes of this subsection, "when in use" includes reasonable repackaging for more convenient legitimate medical use.
[PL 2005, c. 252, §2 (AMD).]

2. Others lawfully in possession. Except as otherwise authorized or restricted, the following persons are authorized to possess, furnish and have control of scheduled or prescription drugs or controlled substances:

A. Common carriers or warehouse operators while engaged in lawfully transporting or storing prescription drugs or any of their employees acting within the scope of their employment; [PL 2021, c. 434, §10 (AMD).]

B. Employees or agents of persons lawfully entitled to possession who have temporary, incidental possession while acting within the scope of their employment or agency; [PL 1995, c. 499, §3 (AMD); PL 1995, c. 499, §5 (AFF).]

C. Persons whose possession is for the purpose of aiding public officers in performing their official duties while acting within the scope of their employment or duties; [PL 1995, c. 499, §3 (AMD); PL 1995, c. 499, §5 (AFF).]

D. Law enforcement officers while acting within the scope of their employment and official duties; [PL 1997, c. 340, §5 (AMD).]

E. Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or rule to administer, dispense, prescribe or sell scheduled or prescription drugs or controlled substances while acting within the course of their professional practice; [PL 2023, c. 303, §1 (AMD).]

F. [PL 2021, c. 434, §10 (RP).]

G. Persons conducting research at a school of pharmacology that is accredited or is a candidate for accreditation in good standing; and [PL 2023, c. 303, §2 (AMD).]

H. Persons possessing, receiving, transporting or storing one or more drug samples contained in one or more sample collection instruments or drug paraphernalia for the purpose of drug checking. Possessing, receiving, transporting or storing one or more drug samples in accordance with this paragraph does not constitute a crime under Title 17-A, sections 1103, 1104 and 1106. [PL 2023, c. 303, §3 (NEW).]

[PL 2023, c. 303, §§1-3 (AMD).]

2-A. Others so authorized.

[PL 2013, c. 194, §12 (RP).]

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

A. "Controlled substances" has the same meaning as defined in 21 United States Code, Section 812 (1970) and 21 Code of Federal Regulations, Chapter II, Part 1308. [PL 1995, c. 499, §3 (NEW); PL 1995, c. 499, §5 (AFF).]

A-1. [PL 2011, c. 420, Pt. A, §13 (RP).]

A-2. [PL 2011, c. 420, Pt. A, §14 (RP).]

A-3. "Controlled substance analog" means a substance that has a substantially similar chemical structure to that of a controlled substance. [PL 2023, c. 303, §4 (NEW).]

A-4. "Drug checking" means the testing of a controlled substance, prescription drug or scheduled drug to determine its chemical composition or to assist in determining whether it contains contaminants, toxic substances or hazardous compounds. [PL 2023, c. 303, §5 (NEW).]

A-5. "Drug paraphernalia" has the same meaning as in Title 17-A, section 1111-A, subsection 1. [PL 2023, c. 303, §6 (NEW).]

A-6. "Drug sample" means a substance containing one or more scheduled or prescription drugs or controlled substances or controlled substance analogs in an amount insufficient to result in a person possessing the substance to be in violation of Title 17-A, section 1107-A. [PL 2023, c. 303, §7 (NEW).]

B. "Law enforcement officer" has the same meaning as defined in Title 17-A, section 2, subsection 17. [PL 1995, c. 499, §3 (NEW); PL 1995, c. 499, §5 (AFF).]

B-1. **(TEXT EFFECTIVE UNTIL 1/01/27)** "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48. [IB 1999, c. 1, §8 (NEW).]

B-1. **(TEXT EFFECTIVE 1/01/27)** "Physician" means a person licensed as a physician or surgeon by the Maine Board of Medicine pursuant to Title 32, chapter 153. [PL 2025, c. 738, Pt. C, §16 (AMD); PL 2025, c. 738, Pt. C, §54 (AFF).]

B-2. "Person" means any individual, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision or any other legal, commercial or informal entity or group. [PL 2023, c. 303, §8 (NEW).]

C. "Prescription drugs" has the same meaning as defined in Title 32, section 13702-A, subsection 30 and includes so-called legend drugs. [PL 2007, c. 695, Pt. B, §4 (AMD).]

C-1. "Sample collection instrument" means an instrument used to collect a drug sample for purposes of drug checking. [PL 2023, c. 303, §9 (NEW).]

D. "Scheduled drug" has the same meaning as defined in Title 17-A, chapter 45. [PL 1995, c. 499, §3 (NEW); PL 1995, c. 499, §5 (AFF).]

D-1. [PL 2013, c. 194, §13 (RP).]

E. [PL 2011, c. 420, Pt. A, §15 (RP).]

[PL 2023, c. 303, §§4-9 (AMD); PL 2025, c. 738, Pt. C, §16 (AMD); PL 2025, c. 738, Pt. C, §54 (AFF).]

4. Specially restricted drugs and substances.

[PL 1995, c. 621, §3 (RP).]

5. Medical use of marijuana; exemptions.

[IB 2009, c. 1, §4 (RP).]

6. Lawful possession of hypodermic apparatuses by livestock owners; sale to livestock owners.

[PL 2021, c. 434, §11 (RP).]

SECTION HISTORY

PL 1989, c. 384, §8 (NEW). PL 1995, c. 499, §3 (AMD). PL 1995, c. 499, §5 (AFF). PL 1995, c. 621, §3 (AMD). PL 1997, c. 340, §5 (AMD). IB 1999, c. 1, §§7-10 (AMD). PL 1999, c. 127, §A35 (AMD). PL 2001, c. 308, §2 (AMD). PL 2001, c. 580, §§1-3 (AMD). PL 2005, c. 252, §2 (AMD). PL 2007, c. 695, Pt. B, §4 (AMD). IB 2009, c. 1, §4 (AMD). RR 2009, c. 2, §53 (COR). PL 2009, c. 631, §6 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 420, Pt. A, §§13-15 (AMD). PL 2011, c. 465, §§8, 9 (AMD). PL 2013, c. 194, §§12, 13 (AMD). PL 2013, c. 266, §§9, 10 (AMD). PL 2015, c. 27, §1 (AMD). PL 2021, c. 434, §§10, 11 (AMD). PL 2023, c. 303, §§1-9 (AMD). PL 2025, c. 738, Pt. C, §16 (AMD). PL 2025, c. 738, Pt. C, §54 (AFF).

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