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Date: (Filing No. H-)

INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 38, L.D. 37, Bill, “An Act To Allow for the Sale of Nonprescription Drugs through Vending Machines”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 32 MRSA §13751, sub-§2, as amended by PL 2007, c. 402, Pt. DD, §22, is further amended to read:

2. Classifications. Pharmacies must be licensed in classifications set out in this subsection.

Each pharmacy must apply for a license in one of the following classifications:

- A. Retail pharmacy;
- B. Mail order prescription pharmacy;
- C. Wholesale pharmacy;
- D. Rural health center; or
- E. Free clinic; or
- F. Vending machine outlet.

Sec. 2. 32 MRSA §13792, as enacted by PL 1987, c. 710, §5, is repealed and the following enacted in its place:

§13792. Sale by certain methods prohibited

1. Methods of sale prohibited. A person may not sell, distribute, vend or otherwise dispose of any drug, medicine or pharmaceutical or medical preparation by means of any public exhibition, entertainment, performance, carnival or by vending machines, except as described in subsection 2.

COMMITTEE AMENDMENT

1 **2. Sale of nonprescription drugs by vending machines.** The Maine Board of
2 Pharmacy shall adopt rules to allow a pharmacy licensed as a vending machine outlet in
3 accordance with section 13751 to sell or distribute nonprescription drugs by vending
4 machines. The rules must include, but are not limited to, the following:

5 A. A requirement that only nonprescription drugs may be dispensed by a vending
6 machine;

7 B. A requirement that nonprescription drugs dispensed by a vending machine must
8 be stored in accordance with manufacturer recommendations, including those that
9 require a stable temperature;

10 C. A requirement that nonprescription drugs dispensed by a vending machine must
11 be sold only in the manufacturer's clearly labeled, original, unbroken, tamper-proof
12 and expiration-dated packaging;

13 D. A requirement that nonprescription drugs dispensed by a vending machine may
14 not be older than the manufacturer's expiration date;

15 E. A limitation that no more than 12 different nonprescription drugs may be
16 dispensed by any single vending machine;

17 F. A requirement that a vending machine through which nonprescription drugs are
18 dispensed must have an obvious and legible statement on the machine that identifies
19 the owner of the machine, a toll-free telephone number at which the consumer may
20 contact the owner of the machine, a statement advising the consumer to check the
21 expiration date of the product before using the product and the telephone number of
22 the board;

23 G. Identification of any nonprescription drugs that may not be dispensed by a
24 vending machine; and

25 H. Identification of locations at which a vending machine dispensing nonprescription
26 drugs may not be located, including the following:

27 (1) Private schools as defined in Title 20-A, section 1, subsection 22;

28 (2) Public preschool programs as defined in Title 20-A, section 1, subsection
29 23-A;

30 (3) Public schools as defined in Title 20-A, section 1, subsection 24; and

31 (4) Child care facilities as defined in Title 22, section 8301-A, subsection 1-A,
32 paragraph B.'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
34 section number to read consecutively.

35 **SUMMARY**

36 This amendment adds a "vending machine outlet" pharmacy licensing classification

COMMITTEE AMENDMENT “ ” to H.P. 38, L.D. 37

1 and requires that the Maine Board of Pharmacy adopt rules in accordance with certain
2 specified requirements.

3

FISCAL NOTE REQUIRED

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(See attached)