

**MAINE****PRODUCTS:**

- Single entity and combination ephedrine (EPH), pseudoephedrine (PSE) and phenylpropanolamine (PPA) products in solid form (32 MRSA 13702);
- Single entity and combination EPH, PSE and PPA products in liquid, liquid-filled capsule or glycerin matrix forms that have been designated as “targeted methamphetamine precursors” by rule. (32 MRSA 13702)

**PRODUCT EXEMPTIONS:**

- Single entity and combination EPH, PSE and PPA products in liquid, liquid-filled capsule or glycerin matrix forms that have not been designated as “targeted methamphetamine precursor” in rule are exempt from all provisions in the bill (32 MRSA 13702);
- Single dose packages containing no more than 60 mg of EPH, PSE and PPA products, if kept within 30 feet and in direct line of sight of cash register or store counter, are exempt from packaging restrictions and requirement that would otherwise allow only a pharmacist, technician or employee working under the pharmacist in the pharmacy area to sell the product (32 MRSA 13796);
- EPH, PSE and PPA products dispensed on prescription are exempt from all sales limits, restrictions, and product placement requirements (32 MRSA 13796);
- EPH, PSE and PPA products sold or transferred during the regular course of lawful business to a veterinarian, physician, pharmacist, retail distributor, wholesaler, manufacturer, warehouse operator or a common carrier or agency of that entity are exempt from all sales limits, restrictions, and product placement requirements. (32 MRSA 13796)

**SALES LIMITS:**

- Retailer may not sell to the same person a targeted methamphetamine precursor that causes the sales to that person of targeted methamphetamine precursors within a 24-hour period to exceed 3.6 grams.
- Retailer may not sell to the same person a targeted methamphetamine precursor within a 30-day period to exceed 9 grams.

**SALES RESTRICTIONS:**

- The requirement that the targeted methamphetamine precursors be sold in blister packages is repealed, this is already a federal requirement under the federal Combat Methamphetamine Epidemic Act. (L.D. 1063)
- May not purchase more than 9 grams of a targeted methamphetamine precursor within a 30-day period.
- May not purchase more than 3.6 grams of a targeted methamphetamine precursor within a 24-hour period.

- Nonexempt products that contain more than 60 mg of EPH, PSE or PPA and are packaged other than in single dose packaging... may only be sold by a licensed pharmacist or pharmacy technician, OR, by an employee of the retailer who accepts payment if the employee works under the direct supervision of the pharmacist in the pharmacy area and the pharmacist or registered pharmacy technician has given individual express approval to complete the purchase. (32 MRSA 13796)

#### **ID REQUIREMENTS:**

- A pharmacist or person acting at the direction of a pharmacist may demand, inspect and record proof of ID as a precondition of filling any prescription, dispensing any drug or selling any nonexempt methamphetamine precursor. (32 MRSA 13795)
- Except with regard to single-dose packages of not more than 60 milligrams that are kept within 30 feet and in direct line of sight of a staffed cash register or store counter, a retailer shall require a person purchasing a targeted methamphetamine precursor to present a valid government-issued photograph identification document at the point of sale. A retailer shall record the: name and address; name of the targeted methamphetamine precursor purchased including the number of grams the product contains date and time of purchase; and form of identification presented, issuing government entity and corresponding identification number.

#### **RECORDKEEPING REQUIREMENTS:**

- Pharmacies may keep a log of information about the purchaser of nonexempt EPH, PSE and PPA products that includes the name, date of birth, and address of purchaser as well as the amount of nonexempt products purchased. (32 MRSA 13795)

#### **PRODUCT PLACEMENT:**

- Single dose packages containing no more than 60 mg may be kept within 30 feet and in direct line of sight of a staffed cash register or store counter or in a location that is locked or not otherwise accessible by customers (32 MRSA 13796);
- Nonexempt products that contain more than 60 mg of EPH, PSE or PPA and are packaged other than in single dose packaging must be kept in a location that is locked or otherwise not accessible by customers. (32 MRSA 13796)

#### **ELECTRONIC LOGGING:**

- Electronic logging system" means a system that: (1) Blocks the illegal sale of over-the-counter cold and allergy medications containing a targeted methamphetamine precursor;(2) Is available free of charge to the State and its taxpayers, retailers and law enforcement;(3) Operates in real time and

- communicates across state lines in real time with similar systems; and (4) Complies with the requirements of the national Criminal Justice Information Exchange or its successor program and the National Information Exchange Model or its successor program.
- Beginning January 1, 2013, a retailer who has access to the Internet shall, before completing a sale under this section, electronically submit the information obtained to an electronic logging system. If the electronic logging system generates a stop-sale alert, the retailer may not complete the sale. If the retailer has concern for personal safety or the safety of others if a sale is not completed, the retailer may use the system's override function to complete the sale and must maintain a log of the sale. If the retailer experiences mechanical or electronic failure of the electronic logging system and is unable to comply with the electronic logging requirement, the retailer shall maintain a written log or an alternative electronic record-keeping mechanism until such time as the retailer is able to comply with the electronic logging requirement.
  - Except with regard to single-dose packages of not more than 60 milligrams that are kept within 30 feet and in direct line of sight of a staffed cash register or store counter, a retailer shall maintain a written or electronic logbook and require a person purchasing a targeted methamphetamine precursor to sign the logbook. A purchaser must sign the logbook acknowledging that the purchaser understands the applicable sales limit and that providing false statements or misrepresentations in the logbook may subject the purchaser to criminal penalties under 18 United States Code, Section 1001.

#### **RETAILER LIABILITY EXEMPTION:**

- Pharmacists or persons acting at the direction of a pharmacist acting in good faith have the discretion to refuse to fill any prescription, dispense any drug or sell any targeted methamphetamine precursor nonexempt EPH, PSE or PPA product if unsatisfied as to the legitimacy or appropriateness of a prescription, the validity of the purchaser's ID, or the identity of the person presenting the prescription, or the intention of the purchaser to use a drug or use a nonexempt EPH, PSE or PPA in a manner inconsistent with instructions for use. If refusal is made in good faith, pharmacist or person acting at the direction of the pharmacist are immune from any civil liability that might otherwise result from that action. Additionally, those who report suspicious prescriptions (as further detailed below under 'other') are also exempt from civil liability. (32 MRSA 13795)

#### **IMMUNITY:**

- Retailer is immune from liability for any claims, costs, expenses, injuries, liabilities, losses or damages of any kind resulting from the retailer's use of the electronic logging system in accordance with this section unless the injury or loss is the result of willful, reckless or intentional misconduct by the retailer. In a civil proceeding in which the retailer's use of an electronic logging system pursuant to

this section is an issue, there is a rebuttable presumption of good faith on the part of the retailer. Sec. 4. 32 MRSA §13796, sub-§§5 to 7

**OTHER:**

- Directs the Office of Substance Abuse to establish a Maine Meth Watch Program to educate retailers, retail employees and the public in order to curtail suspicious sales and theft of methamphetamine precursor drugs and to identify the location of illicit methamphetamine manufacturing (32 MRSA 2351);
- A pharmacist or person acting at the direction of a pharmacist may make a report to law enforcement when they have reasonable cause to suspect that a prescription is not legitimate or appropriate, that the purchaser has presented an ID that is not valid or that the purchaser intends to use a drug or use a nonexempt EPH, PSE or PPA in a manner inconsistent with instructions for use (32 MRSA 13795);
- If the Director of the Maine Drug Enforcement Agency (MDEA) finds that the ease of availability of liquid, liquid-filled capsule or glycerin matrix forms of PSE, EPH and PPA products are a threat to public safety, MDEA may consult with the Office of Substance Abuse (OSA) to ultimately adopt rules requiring that the otherwise exempt products be included on the list of targeted methamphetamine precursors. Also, if MDEA finds that sales of nonexempt EPH, PSE and PPA products without ID verification pose a threat to the public health, they may consult with OSA who shall adopt rules to require that all sales comply with ID and log requirements (32 MRSA 13795).