

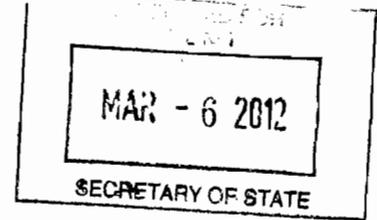
Rule-Making Cover Sheet

MAPA-1

TO: **Secretary of State**
ATTN: **Administrative Procedure Officer,**
State House Station 101, Augusta, Maine 04333.

2012-69

1. **Agency:** Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine Board of Pharmacy
2. **Agency umbrella and unit number:** 02-392
(2 digit umbrella # and 3 digit unit #)
3. **Title of rule:** Sale of Schedule V Controlled Substances
4. **Chapter number assigned to the rule:** 22
(must be 3 digits or less)
5. **Date(s)/method(s) of notice:** Newspaper advertisement by Secretary of State, 10-12-11; mailing to interested parties, 09-29-11; posting on OPOR's web site, 09-28-11
6. **Date(s)/place(s) of hearing(s):** 11-03-11, Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, ME



- 7-A. **Type:** new rule partial amendment(s) of existing rule
 suspension of existing rule repeal of rule emergency rule
 repeal and replace: complete replacement of existing chapter, with former version simultaneously repealed.

8. **Name/phone of agency contact person:** Geraldine Betts, Board Administrator, (207) 624-8625

9. **If a major substantive rule under Title 5, c. 375, sub-CII-A, check one of the following**

- Provisional adoption (prior to Legislative review) Final adoption
 Emergency adoption of major-substantive rule

10. **Certification Statement:** I, Joseph Bruno, hereby certify that the attached is a true copy of the rule(s) described above and lawfully adopted by the Maine Board of Pharmacy on February 2, 2012.

Signature: _____

(original signature, personally signed by the head of agency)

Printed Name & Title: Joseph Bruno, Board President

11. **Approved as to form and legality by the Attorney General on** _____

3/1/12

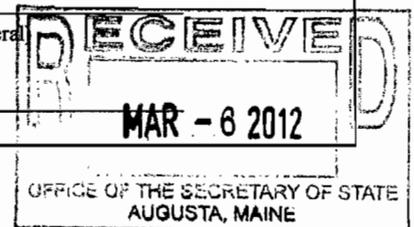
(date)

Signature: _____

(original signature, personally signed by an Assistant Attorney General)

Printed Name: _____

CHRISTOPHER L. MANN



EFFECTIVE DATE:

MAR 11 2012

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**392 MAINE BOARD OF PHARMACY****Chapter 22: SALE OF SCHEDULE V CONTROLLED SUBSTANCES**

Summary: This chapter sets forth requirements for the sale of Schedule V controlled substances.

1. Applicability

This chapter applies to Schedule V controlled substances, and to exempt narcotic preparations as defined in 32 M.R.S.A. §13722(1)(E).

2. Retail Sale by Pharmacist

A pharmacist may sell an over-the-counter Schedule V product at retail to a person 18 years of age or older without a prescription drug order provided that the pharmacist, ~~at time of sale, obtains suitable identification from the purchaser~~ obtains from the purchaser at time of sale photographic proof of identification as described in 32 MRSA §13795(1) for entry into the exempt narcotic log or record of disposition. The pharmacist may request proof of age when appropriate.

~~The~~ A pharmacist shall exercise professional discretion pursuant to 32 MRSA §13795(2) to ensure that the Schedule V product is being sold for medical purposes only.

3. Limitation on Purchases

A drug outlet may not sell either of the following to the same patient in a 48 hour period without a prescription drug order:

1. No more than 240 ml of any other Schedule V product containing opium; or
 2. No more than 120 ml of any other Schedule V product.
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STATUTORY AUTHORITY: 32 M.R.S.A. §§13720, 13721(1), 13722(1)(E), 13723

EFFECTIVE DATE:

November 8, 2004 - filing 2004-524