

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

H.P. 38 - L.D. 37

**An Act To Allow for the Sale of Nonprescription Drugs through Vending
Machines**

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

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Sec. 2. 32 MRSA §13792, as enacted by PL 1987, c. 710, §5, is repealed and the following enacted in its place: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

2. Sale of nonprescription drugs by vending machines. The Maine Board of Pharmacy shall adopt rules to allow a pharmacy licensed as a vending machine outlet in

accordance with section 13751 to sell or distribute nonprescription drugs by vending machines. The rules must include, but are not limited to, the following:

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

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

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

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

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

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

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

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

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

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

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

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