

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE ENROLLED ACT No. 294

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-42-19-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. **Except as provided in section 30 of this chapter**, a person may not do any of the following:

- (1) Obtain or attempt to obtain a legend drug or procure or attempt to procure the administration of a legend drug by any of the following:
 - (A) Fraud, deceit, misrepresentation, or subterfuge.
 - (B) The forgery or alteration of a prescription, drug order, or written order.
 - (C) The concealment of a material fact.
 - (D) The use of a false name or the giving of a false address.
- (2) Communicate information to a physician in an effort unlawfully to procure a legend drug or unlawfully to procure the administration of a legend drug. Such a communication is not considered a privileged communication.
- (3) Intentionally make a false statement in a prescription, drug order, order, report, or record required by this chapter.
- (4) For the purpose of obtaining a legend drug, falsely assume the title of or represent oneself to be a manufacturer, wholesaler,



pharmacist, physician, dentist, veterinarian, or other person.

(5) Make or utter a false or forged prescription or false drug order or forged written order.

(6) Affix a false or forged label to a package or receptacle containing legend drugs. This subdivision does not apply to law enforcement agencies or their representatives while engaged in enforcing this chapter.

(7) Dispense a legend drug except as provided in this chapter.

SECTION 2. IC 16-42-19-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) **Except as provided in section 30 of this chapter**, a prescription or drug order for a legend drug is not valid unless the prescription or drug order is issued for a legitimate medical purpose by a practitioner acting in the usual course of the practitioner's business.

(b) A practitioner may not knowingly issue an invalid prescription or drug order for a legend drug.

(c) A pharmacist may not knowingly fill an invalid prescription or drug order for a legend drug.

SECTION 3. IC 16-42-19-27, AS AMENDED BY P.L.158-2013, SECTION 248, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 27. (a) A person who knowingly violates this chapter, except sections 24, ~~and 25(b)~~, **and 30(c)** of this chapter, commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior conviction under this subsection or IC 16-6-8-10(a) before its repeal.

(b) A person who violates section 24 of this chapter commits a Class B misdemeanor.

(c) A person who violates section 25(b) of this chapter commits dealing in an anabolic steroid, a Level 5 felony. However, the offense is a Level 4 felony if the person delivered the anabolic steroid to a person who is:

(1) less than eighteen (18) years of age; and

(2) at least three (3) years younger than the delivering person.

(d) A person who violates section 30(c) of this chapter commits a Class A infraction.

SECTION 4. IC 16-42-19-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 30. (a) Sections 16 and 20 of this chapter do not apply to the actions of a:**

(1) person who is employed or retained as an investigator by a pharmaceutical manufacturer described in subdivision (3);

(2) practitioner; or



(3) pharmaceutical manufacturer that is approved by the federal Food and Drug Administration; performed in an investigation of a pharmaceutical manufacturer's legend drug that is suspected of being counterfeited, adulterated, or misbranded.

(b) A drug sample collected during an investigation described in subsection (a) may only be used for testing or a civil or criminal action. A drug sample collected during an investigation may not be resold or provided for human consumption.

(c) A pharmaceutical manufacturer that collects drug samples during an investigation described in subsection (a) shall:

- (1) maintain records of the drug samples; and**
- (2) make these records available, at a reasonable time, to law enforcement agencies or the agencies' representatives in the enforcement of this chapter.**

SECTION 5. IC 25-26-13-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 33. (a) This section does not apply to a mail order or Internet based pharmacy (as defined by IC 25-26-18-1) to the extent that the pharmacy is allowed to operate under IC 25-26-18.

(b) A person may not own or operate a store, facility, or other place of business in Indiana where:

- (1) prescriptions are accepted to be filled; or**
- (2) prescription drugs or devices are:**
 - (A) ordered;**
 - (B) offered or advertised for sale; or**
 - (C) paid for;**

unless the person has a pharmacy permit issued under this chapter.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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