

SECOND REGULAR SESSION

# HOUSE BILL NO. 2622

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE EVANS.

6593H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 195.060, RSMo, and to enact in lieu thereof one new section relating to prescriptions for controlled substances, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 195.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 195.060, to read as follows:

195.060. 1. Except as provided in subsection 4 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he or she is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his or her own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in Schedule I or II shall be

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six  
19 months after the date of the original prescription or be refilled more than five times unless  
20 renewed by the practitioner.

21 2. A pharmacist, in good faith, may sell and dispense controlled substances to any person  
22 upon a prescription of a practitioner located in another state, provided that the:

23 (1) Prescription was issued according to and in compliance with the applicable laws of  
24 that state and the United States; and

25 (2) Quantity limitations in subsection 2 of section 195.080 apply to prescriptions  
26 dispensed to patients located in this state.

27 3. The legal owner of any stock of controlled substances in a pharmacy, upon  
28 discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or  
29 pharmacist, but only on an official written order.

30 4. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to  
31 any person in emergency situations as defined by rule of the department of health and senior  
32 services upon an oral prescription by an authorized practitioner.

33 5. Except where a bona fide physician-patient-pharmacist relationship exists,  
34 prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate  
35 user or agent by mail or other common carrier.

36 **6. Notwithstanding any other provision of this section or any other law to the**  
37 **contrary, no person shall issue any prescription for a controlled substance in this state**  
38 **unless such prescription is made by electronic prescription from the person issuing the**  
39 **prescription to a pharmacy in accordance with regulatory standards, except for**  
40 **prescriptions:**

41 (1) **Issued by veterinarians;**

42 (2) **Issued in circumstances in which electronic prescribing is not available due to**  
43 **temporary technological or electrical failure, as set forth in regulation;**

44 (3) **Issued by a practitioner to be dispensed by a pharmacy located outside the state,**  
45 **as set forth in regulation;**

46 (4) **Issued when the prescriber and dispenser are the same entity;**

47 (5) **Issued that include elements that are not supported by the most recently**  
48 **implemented version of the National Council for Prescription Drug Programs'**  
49 **Prescriber/Pharmacist Interface SCRIPT Standard;**

50 (6) **Issued by a practitioner for a drug that the federal Food and Drug**  
51 **Administration (FDA) requires the prescription to contain certain elements that are not**  
52 **able to be accomplished with electronic prescribing;**

53           **(7) Issued by a practitioner allowing for the dispensing of a non-patient-specific**  
54 **prescription pursuant to a standing order, approved protocol for drug therapy,**  
55 **collaborative drug management, or comprehensive medication management, in response**  
56 **to a public health emergency, or other circumstances where the practitioner may issue a**  
57 **non-patient-specific prescription;**

58           **(8) Issued by a practitioner prescribing a drug under a research protocol;**

59           **(9) Issued by practitioners who have received a waiver or a renewal thereof for a**  
60 **specified period determined by the commissioner, not to exceed one year, from the**  
61 **requirement to use electronic prescribing, pursuant to a process established in regulation**  
62 **by the commissioner, in consultation with the commissioner, due to economic hardship,**  
63 **technological limitations that are not reasonably within the control of the practitioner, or**  
64 **other exceptional circumstance demonstrated by the practitioner; or**

65           **(10) Issued by a practitioner under circumstances where, notwithstanding the**  
66 **practitioner's present ability to make an electronic prescription as required by this**  
67 **subsection, such practitioner reasonably determines that it would be impractical for the**  
68 **patient to obtain substances prescribed by electronic prescription in a timely manner, and**  
69 **such delay would adversely impact the patient's medical condition.**

70           **7. A pharmacist who receives a written, oral, or faxed prescription is not required**  
71 **to verify that the prescription properly falls under one of the exceptions from the**  
72 **requirement to electronically prescribe under subsection 6 of this section. Pharmacists**  
73 **may continue to dispense medications from otherwise valid written, oral, or faxed**  
74 **prescriptions that are consistent with current laws and regulations.**

75           **8. An individual who violates the provisions of subsection 6 of this section commits**  
76 **a civil violation for which a fine of two hundred fifty dollars per violation, not to exceed**  
77 **five thousand dollars per calendar year, may be adjudged. The board of registration for**  
78 **the healing arts is responsible for the enforcement of the provisions of subsections 6 to 8**  
79 **of this section.**

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