

1 H.611

2 Introduced by Representative Lippert of Hinesburg

3 Referred to Committee on

4 Date:

5 Subject: Health; pharmacists; prescription drugs; controlled substances

6 Statement of purpose of bill as introduced: This bill proposes to prohibit
7 pharmacists from filling out-of-state Schedule II narcotics prescriptions written
8 by physicians licensed outside Massachusetts, New Hampshire, or New York.

9 An act relating to filling out-of-state narcotics prescriptions

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 18 V.S.A. § 4215 is amended to read:

12 § 4215. AUTHORIZED SALES BY PHARMACISTS

13 (a) ~~A~~ Except as provided in subdivision (b)(1) of this section, a duly
14 licensed pharmacist, in good faith and in the course of professional practice,
15 may sell and dispense regulated drugs to any person upon a written
16 prescription or oral prescription which is reduced promptly to writing by the
17 pharmacist by an individual authorized by law to prescribe and administer
18 prescription drugs in the course of professional practice. The written
19 prescription shall be dated and signed by the person prescribing or, if an oral
20 prescription by the pharmacist on the day when written, and bearing the full

1 name and date of birth of the patient for whom the drug is prescribed, and the
2 full name of the person prescribing. If the prescription is for an animal, the
3 prescription shall state the species of animal for which the drug is prescribed
4 and the full name and address of the owner of the animal. A prescription shall
5 not be refilled unless refilling is authorized by the practitioner on the original
6 prescription or by the original oral order.

7 (b)(1)(A) A pharmacist may only fill an out-of-state prescription for a
8 Schedule II narcotic substance if the prescription was issued within the
9 preceding five calendar days by a physician licensed in Massachusetts, New
10 Hampshire, or New York.

11 (B) A pharmacist filling a prescription under this subdivision (1)
12 shall determine, in accordance with professional standards and personal
13 judgment, that the prescription is authentic and valid and shall verify the
14 prescription by telephonic or other means. A pharmacist shall not fill a
15 prescription for which a verification cannot be obtained. A pharmacist shall
16 not be liable for refusing to fill a prescription for which a verification could not
17 be obtained as long as he or she made documented good faith efforts to
18 determine the authenticity and validity of the prescription.

19 (2) The pharmacist filling a ~~schedule~~ Schedule II prescription shall write
20 the date of filling and the pharmacist's own signature on the face of the
21 prescription. Pharmacists shall be subject to the requirements of 21 U.S.C.

1 chapter 13. Notwithstanding the foregoing, no prescription for a ~~schedule~~
2 Schedule II drug written without a future fill date may be filled more than 30
3 days after the date the prescription was issued. No prescription for a ~~schedule~~
4 Schedule II drug written to be filled at a future date may be filled more than 90
5 days after the date the prescription was issued. A physician who dispenses
6 regulated drugs as part of his or her regular fee or for an additional fee shall be
7 subject to the same requirements as a pharmacist for the purposes of this
8 section.

9 (c) The legal owner of any stock of regulated drugs, upon discontinuance
10 of dealing in such drugs, shall promptly sell such drugs to a manufacturer,
11 wholesaler, or pharmacist, but only on an official written order.

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on January 1, 2015.