

SENATE BILL No. 439

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48-7-8; IC 35-48-7-12.

Synopsis: Controlled substance prescription monitoring. Requires a person that dispenses a Schedule II or Schedule III controlled substance to provide certain information to the central repository of the controlled substance prescription monitoring program. (Current law requires a person to provide this information if the person dispenses certain Schedule II controlled substances.) Removes a provision requiring the controlled substances advisory committee to adopt rules designating which Schedule II controlled substances should be monitored through the controlled substance prescription monitoring program.

Effective: July 1, 1998.

Paul

January 13, 1998, read first time and referred to Committee on Health and Environmental Affairs.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

SENATE BILL No. 439

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 35-48-7-8, AS ADDED BY P.L.163-1994,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 8. The advisory committee shall provide for a
4 controlled substance prescription monitoring program that includes the
5 following components:
6 (1) Each time a controlled substance ~~designated by the advisory~~
7 ~~committee~~ under IC 35-48-2-6 or **IC 35-48-2-8** is dispensed, the
8 dispenser shall transmit to the central repository the following
9 information:
10 (A) The recipient's name.
11 (B) The recipient's or the recipient representative's
12 identification number.
13 (C) The recipient's date of birth.
14 (D) The national drug code number of the controlled substance
15 dispensed.
16 (E) The date the controlled substance is dispensed.
17 (F) The quantity of the controlled substance dispensed.

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- 1 (G) The number of days of supply dispensed.
 2 (H) The dispenser's United States Drug Enforcement Agency
 3 registration number.
 4 (I) The prescriber's United States Drug Enforcement Agency
 5 registration number.
 6 (J) An indication as to whether the prescription was
 7 transmitted to the pharmacist orally or in writing.
 8 (2) The information required to be transmitted under this section
 9 must be transmitted not more than fifteen (15) days after the date
 10 on which a controlled substance is dispensed.
 11 (3) A dispenser shall transmit the information required under this
 12 section by:
 13 (A) an electronic device compatible with the receiving device
 14 of the central repository;
 15 (B) a computer diskette;
 16 (C) a magnetic tape; or
 17 (D) a pharmacy universal claim form;
 18 that meets specifications prescribed by the advisory committee.
 19 (4) The advisory committee may require that prescriptions for
 20 controlled substances be written on a one (1) part form that
 21 cannot be duplicated. However, the advisory committee may not
 22 apply such a requirement to prescriptions filled at a pharmacy
 23 with a Type II permit (as described in IC 25-26-13-17) and
 24 operated by a hospital licensed under IC 16-21, or prescriptions
 25 ordered for and dispensed to bona fide enrolled patients in
 26 facilities licensed under IC 16-28. The committee may not require
 27 multiple copy prescription forms and serially numbered
 28 prescription forms for any prescriptions written. The committee
 29 may not require different prescription forms for any individual
 30 drug or group of drugs. Prescription forms required under this
 31 subdivision must be jointly approved by the committee and by the
 32 Indiana board of pharmacy established by IC 25-26-13-3.
 33 (5) The costs of the program.
 34 SECTION 2. IC 35-48-7-12, AS ADDED BY P.L.163-1994,
 35 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 1998]: Sec. 12. The advisory committee shall adopt rules
 37 under IC 4-22-2 to implement this chapter, including the following:
 38 (1) Information collection and retrieval procedures for the central
 39 repository. ~~including the controlled substances to be included in~~
 40 ~~the program required under section 8 of this chapter.~~
 41 (2) Design for the creation of the data base required under section
 42 10 of this chapter.

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- 1 (3) Requirements for the development and installation of on-line
- 2 electronic access by the advisory committee to information
- 3 collected by the central repository.
- 4 (4) Identification of emergency situations or other circumstances
- 5 in which a practitioner may prescribe, dispense, and administer a
- 6 prescription drug specified in section 8 of this chapter without a
- 7 written prescription or on a form other than a form specified in
- 8 section 8(4) of this chapter.

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