

SENATE BILL No. 261

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48-3-10; IC 35-48-7-15.

Synopsis: Controlled substances. Provides that the law concerning licensed physicians using Schedule III or Schedule IV controlled substances to treat patients for the purpose of weight reduction or to control obesity expires July 1, 2001. Provides that the law concerning the central repository for controlled substances expires July 1, 2001, instead of July 1, 1999.

Effective: June 30, 1999; July 1, 1999.

Miller

January 7, 1999, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

SENATE BILL No. 261

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 35-48-3-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) Only a
3 physician licensed under IC 25-22.5 may treat a patient for the purpose
4 of weight reduction or to control obesity with a Schedule III or
5 Schedule IV controlled substance.
6 (b) A physician licensed under IC 25-22.5 may not prescribe,
7 dispense, administer, supply, sell, or give any amphetamine,
8 sympathomimetic amine drug, or compound designated as a Schedule
9 III or Schedule IV controlled substance under IC 35-48-2-8 and
10 IC 35-48-2-10 for a patient for purposes of weight reduction or to
11 control obesity, unless the physician does the following:
12 (1) Determines:
13 (A) through review of:
14 (i) the physician's records of prior treatment of the patient;
15 or
16 (ii) the records of prior treatment of the patient provided by
17 a previous treating physician or weight loss program;



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- 1 that the physician's patient has made a reasonable effort to lose
 2 weight in a treatment program using a regimen of weight
 3 reduction based on caloric restriction, nutritional counseling,
 4 behavior modification, and exercise, without using controlled
 5 substances; and
 6 (B) that the treatment described in clause (A) has been
 7 ineffective for the physician's patient.
- 8 (2) Obtains a thorough history and performs a thorough physical
 9 examination of the physician's patient before initiating a treatment
 10 plan using a Schedule III or Schedule IV controlled substance for
 11 purposes of weight reduction or to control obesity.
- 12 (c) A physician licensed under IC 25-22.5 may not begin and shall
 13 discontinue using a Schedule III or Schedule IV controlled substance
 14 for purposes of weight reduction or to control obesity after the
 15 physician determines in the physician's professional judgment that:
- 16 (1) the physician's patient has failed to lose weight using a
 17 treatment plan involving the controlled substance;
 18 (2) the controlled substance has provided a decreasing
 19 contribution toward further weight loss for the patient, unless
 20 continuing to take the controlled substance is medically necessary
 21 or appropriate for maintenance therapy;
 22 (3) the physician's patient:
 23 (A) has a history of; or
 24 (B) shows a propensity for;
 25 alcohol or drug abuse; or
 26 (4) the physician's patient has consumed or disposed of a
 27 controlled substance in a manner that does not strictly comply
 28 with a treating physician's direction.
- 29 (d) A physician licensed under IC 25-22.5 may not prescribe, order,
 30 dispense, administer, supply, sell, or give any:
 31 (1) amphetamine;
 32 (2) sympathomimetic amine drug; or
 33 (3) compound;
 34 designated as a Schedule III or Schedule IV controlled substance as
 35 provided in IC 35-48-2-8 and IC 35-48-2-10 for purposes of weight
 36 reduction or to control obesity for a patient for more than three (3)
 37 nonrefillable thirty (30) calendar day supplies in any three hundred
 38 sixty-five (365) day period. The physician shall reevaluate the patient
 39 before prescribing, ordering, dispensing, administering, supplying,
 40 selling, or giving the second or third nonrefillable thirty (30) calendar
 41 day supply of a controlled substance as provided in this subsection.
 42 (e) **This section expires July 1, 2001.**

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1 SECTION 2. IC 35-48-7-15 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JUNE 30, 1999]: Sec. 15. This chapter
3 expires July 1, ~~1999~~ **2001**.

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