

SENATE BILL No. 507

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48; P.L.177-1997, SECTION 11.

Synopsis: Controlled substances. Provides that the law that would prohibit a physician from prescribing or otherwise providing: (1) any amphetamine, sympathomimetic amine drug, or compound designated as a Schedule III or Schedule IV controlled substance for purposes of weight reduction or to control obesity for a patient; and (2) for more than three nonrefillable 30 calendar day supplies in any 365 day period takes effect July 1, 2001, instead of July 1, 1999. Provides that the law concerning the central repository for controlled substances expires July 1, 2001, instead of July 1, 1999.

Effective: Upon passage; July 1, 2001.

Miller

January 19, 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. 507



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 35-48-3-11 IS ADDED TO THE INDIANA CODE
- 2 AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2001]: **Sec. 11. (a) Only a physician licensed under IC 25-22.5**
- 4 **may treat a patient for the purpose of weight reduction or to**
- 5 **control obesity with a Schedule III or Schedule IV controlled**
- 6 **substance.**
- 7 (b) A physician licensed under IC 25-22.5 may not prescribe,
- 8 dispense, administer, supply, sell, or give any amphetamine,
- 9 sympathomimetic amine drug, or compound designated as a
- 10 Schedule III or Schedule IV controlled substance under
- 11 IC 35-48-2-8 and IC 35-48-2-10 for a patient for purposes of weight
- 12 reduction or to control obesity, unless the physician does the
- 13 following:
- 14 (1) Determines:
- 15 (A) through review of:
- 16 (i) the physician's records of prior treatment of the
- 17 patient; or



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1 (ii) the records of prior treatment of the patient provided
 2 by a previous treating physician or weight loss program;
 3 that the physician's patient has made a reasonable effort to
 4 lose weight in a treatment program using a regimen of
 5 weight reduction based on caloric restriction, nutritional
 6 counseling, behavior modification, and exercise without
 7 using controlled substances; and

8 (B) that the treatment described in clause (A) has been
 9 ineffective for the physician's patient.

10 (2) Obtains a thorough history and performs a thorough
 11 physical examination of the physician's patient before
 12 initiating a treatment plan using a Schedule III or Schedule
 13 IV controlled substance for purposes of weight reduction or
 14 to control obesity.

15 (c) A physician licensed under IC 25-22.5 may not begin and
 16 shall discontinue using a Schedule III or Schedule IV controlled
 17 substance for purposes of weight reduction or to control obesity
 18 after the physician determines in the physician's professional
 19 judgment that:

20 (1) the physician's patient has failed to lose weight using a
 21 treatment plan involving the controlled substance;

22 (2) the controlled substance has provided a decreasing
 23 contribution toward further weight loss for the patient unless
 24 continuing to take the controlled substance is medically
 25 necessary or appropriate for maintenance therapy;

26 (3) the physician's patient:

27 (A) has a history of; or

28 (B) shows a propensity for;

29 alcohol or drug abuse; or

30 (4) the physician's patient has consumed or disposed of a
 31 controlled substance in a manner that does not strictly comply
 32 with a treating physician's direction.

33 (d) A physician licensed under IC 25-22.5 may not prescribe,
 34 order, dispense, administer, supply, sell, or give any:

35 (1) amphetamine;

36 (2) sympathomimetic amine drug; or

37 (3) compound;

38 designated as a Schedule III or Schedule IV controlled substance
 39 as provided in IC 35-48-2-8 and IC 35-48-2-10 for purposes of
 40 weight reduction or to control obesity for a patient for more than
 41 three (3) nonrefillable thirty (30) calendar day supplies in any
 42 three hundred sixty-five (365) day period. The physician shall



1 **reevaluate the patient before prescribing, ordering, dispensing,**
 2 **administering, supplying, selling, or giving the second or third**
 3 **nonrefillable thirty (30) calendar day supply of a controlled**
 4 **substance as provided in this subsection.**

5 SECTION 2. IC 35-48-7-15 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. This chapter
 7 expires July 1, ~~1999~~ 2001.

8 SECTION 3. IC 35-48-3-10 IS REPEALED [EFFECTIVE UPON
 9 PASSAGE].

10 SECTION 4. P.L.177-1997, SECTION 11, IS AMENDED TO
 11 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
 12 11. (a) Only a physician licensed under IC 25-22.5 may treat a patient
 13 for the purpose of weight reduction or to control obesity with a
 14 Schedule III or Schedule IV controlled substance.

15 (b) A physician licensed under IC 25-22.5 may not prescribe,
 16 dispense, administer, supply, sell, or give any amphetamine,
 17 sympathomimetic amine drug, or compound designated as a Schedule
 18 III or Schedule IV controlled substance under IC 35-48-2-8 and
 19 IC 35-48-2-10 for a patient for purposes of weight reduction or to
 20 control obesity, unless the physician does the following:

21 (1) Determines:

22 (A) through review of:

23 (i) the physician's records of prior treatment of the patient;
 24 or

25 (ii) the records of prior treatment of the patient provided by
 26 a previous treating physician or weight loss program;
 27 that the physician's patient has made a reasonable effort to lose
 28 weight in a treatment program using a regimen of weight
 29 reduction based on caloric restriction, nutritional counseling,
 30 behavior modification, and exercise, without using controlled
 31 substances; and

32 (B) that the treatment described in clause (A) has been
 33 ineffective.

34 (2) Obtains a thorough history and performs a thorough physical
 35 examination of the physician's patient before initiating a treatment
 36 plan using a Schedule III or Schedule IV controlled substance for
 37 purposes of weight reduction or to control obesity.

38 (c) A physician licensed under IC 25-22.5 may not begin and shall
 39 discontinue using a Schedule III or Schedule IV controlled substance
 40 for purposes of weight reduction or to control obesity after the
 41 physician determines in the physician's professional judgment that:

42 (1) the physician's patient has failed to lose weight using a

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- 1 treatment plan involving the controlled substance;
- 2 (2) the controlled substance has provided a decreasing
- 3 contribution toward further weight loss for the patient, unless
- 4 continuing to take the controlled substance is medically necessary
- 5 or appropriate for maintenance therapy;
- 6 (3) the physician's patient:
- 7 (A) has a history of; or
- 8 (B) shows a propensity for;
- 9 alcohol or drug abuse; or
- 10 (4) the physician's patient has consumed or disposed of a
- 11 controlled substance in a manner that does not strictly comply
- 12 with a treating physician's direction.
- 13 (d) This SECTION expires July 1, ~~1999~~ **2001**.
- 14 **SECTION 5. An emergency is declared for this act.**

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