



January 29, 1999

SENATE BILL No. 507

DIGEST OF SB 507 (Updated January 27, 1999 3:53 pm - DI 88)

Citations Affected: IC 35-48; noncode.

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.

Effective: Upon passage; July 1, 2001.

Landske, Miller

January 19, 1999, read first time and referred to Committee on Health and Provider Services.
January 28, 1999, amended, reported favorably — Do Pass.

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SB 507—LS 7797/DI 69+



January 29, 1999

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.

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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 with a Schedule III or Schedule IV controlled**
5 **substance for the purpose of weight reduction or to control obesity.**
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**
9 **Schedule III or Schedule IV controlled substance under**
10 **IC 35-48-2-8 and IC 35-48-2-10 for a patient for purposes of weight**
11 **reduction or to control obesity, unless the physician does the**
12 **following:**
13 **(1) Determines:**
14 **(A) through review of:**
15 **(i) the physician's records of prior treatment of the**
16 **patient; or**
17 **(ii) the records of prior treatment of the patient provided**

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

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

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

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

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

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

25 (3) the physician's patient:

26 (A) has a history of; or

27 (B) shows a propensity for;
 28 alcohol or drug abuse; or

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

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

34 (1) amphetamine;

35 (2) sympathomimetic amine drug; or

36 (3) compound;

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



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

4 SECTION 2. IC 35-48-3-10 IS REPEALED [EFFECTIVE UPON
 5 PASSAGE].

6 SECTION 3. P.L.177-1997, SECTION 11, IS AMENDED TO
 7 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
 8 11. (a) Only a physician licensed under IC 25-22.5 may treat a patient
 9 **with a Schedule III or Schedule IV controlled substance** for the
 10 purpose of weight reduction or to control obesity. ~~with a Schedule III~~
 11 ~~or Schedule IV controlled substance.~~

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

18 (1) Determines:

19 (A) through review of:

20 (i) the physician's records of prior treatment of the patient;

21 or

22 (ii) the records of prior treatment of the patient provided by
 23 a previous treating physician or weight loss program;

24 that the physician's patient has made a reasonable effort to lose
 25 weight in a treatment program using a regimen of weight
 26 reduction based on caloric restriction, nutritional counseling,
 27 behavior modification, and exercise, without using controlled
 28 substances; and

29 (B) that the treatment described in clause (A) has been
 30 ineffective.

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

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

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

41 (2) the controlled substance has provided a decreasing
 42 contribution toward further weight loss for the patient, unless

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

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SENATE MOTION

Mr. President: I move that Senator Miller be removed as author of Senate Bill 507 and that Senator Landske be substituted therefor.

MILLER

SENATE MOTION

Mr. President: I move that Miller be added as second author of Senate Bill 507.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 507, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, after "patient" insert "**with a Schedule III or Schedule IV controlled substance**".

Page 1, line 5, delete "with a Schedule III or Schedule IV controlled" and insert ".".

Page 1, delete line 6.

Page 3, delete lines 5 through 7.

Page 3, line 12, after "patient" insert "**with a Schedule III or Schedule IV controlled substance**".

Page 3, line 13, after "obesity" insert ".".

Page 3, line 13, strike "with a".

Page 3, strike line 14.

and when so amended that said bill do pass.

(Reference is to SB 507 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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