
HOUSE BILL No. 1316

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-26-13; IC 35-45-2-1.

Synopsis: Pharmacy security. Allows a pharmacist to refuse to honor a prescription if honoring the prescription would endanger the safety of a person employed by the pharmacy. Requires a pharmacist to notify the physician who issued a prescription if the pharmacist refuses to honor the prescription because honoring the prescription would: (1) be against the best interest of the patient; or (2) be contrary to the health and safety of the patient. Allows the board of pharmacy to suspend, revoke, or refuse to renew a pharmacy permit if the permittee fails to implement security measures designated by the board. Makes intimidation a Class D felony instead of a Class A misdemeanor if the person to whom the threat is communicated is an employee of a pharmacy.

Effective: July 1, 2007.

Neese

January 16, 2007, read first time and referred to Committee on Public Policy.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1316



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 25-26-13-16 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A pharmacist
3 shall exercise ~~his~~ **the pharmacist's** professional judgment in the best
4 interest of the patient's health when engaging in the practice of
5 pharmacy.

6 (b) A pharmacist has a duty to honor all prescriptions from a
7 practitioner or from a physician, podiatrist, dentist, or veterinarian
8 licensed under the laws of another state. Before honoring a
9 prescription, the pharmacist shall take reasonable steps to determine
10 whether the prescription has been issued in compliance with the laws
11 of the state where it originated. The pharmacist is immune from
12 criminal prosecution or civil liability if ~~he~~, **the pharmacist**, in good
13 faith, refuses to honor a prescription because, in ~~his~~ **the pharmacist's**
14 professional judgment, the honoring of the prescription would:

- 15 (1) be contrary to law;
- 16 (2) be against the best interest of the patient;
- 17 (3) aid or abet an addiction or habit; ~~or~~



1 (4) be contrary to the health and safety of the patient; or
 2 (5) endanger the safety of:
 3 (A) a person employed by the pharmacy; or
 4 (B) a pharmacist intern or pharmacist extern.
 5 If a pharmacist refuses to honor a prescription under subdivision
 6 (2) or (4), the pharmacist shall notify the physician who issued the
 7 prescription of the pharmacist's refusal to honor the prescription
 8 not more than twenty-four (24) hours after the prescription is
 9 presented to the pharmacy.
 10 (c) A pharmacist:
 11 (1) may refuse to honor a prescription; and
 12 (2) is immune from criminal prosecution and civil liability for
 13 refusing to honor the prescription;
 14 if the pharmacist believes in good faith that the person presenting
 15 the prescription or the person for whose benefit the prescription is
 16 presented is a person who has been convicted of intimidation (as
 17 described in IC 35-45-2-1(b)(1)(B)(ix)).
 18 SECTION 2. IC 25-26-13-18.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2007]: Sec. 18.5. The board may, after a
 21 hearing:
 22 (1) refuse to issue a renewal of;
 23 (2) suspend; or
 24 (3) revoke;
 25 a pharmacy permit if a permittee fails to implement security
 26 measures within the time and in the manner designated by the
 27 board.
 28 SECTION 3. IC 35-45-2-1, AS AMENDED BY P.L.3-2006,
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2007]: Sec. 1. (a) A person who communicates a threat to
 31 another person, with the intent:
 32 (1) that the other person engage in conduct against the other
 33 person's will;
 34 (2) that the other person be placed in fear of retaliation for a prior
 35 lawful act; or
 36 (3) of causing:
 37 (A) a dwelling, a building, or another structure; or
 38 (B) a vehicle;
 39 to be evacuated;
 40 commits intimidation, a Class A misdemeanor.
 41 (b) However, the offense is a:
 42 (1) Class D felony if:

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- 1 (A) the threat is to commit a forcible felony;
- 2 (B) the person to whom the threat is communicated:
- 3 (i) is a law enforcement officer;
- 4 (ii) is a judge or bailiff of any court;
- 5 (iii) is a witness (or the spouse or child of a witness) in any
- 6 pending criminal proceeding against the person making the
- 7 threat;
- 8 (iv) is an employee of a school corporation;
- 9 (v) is a community policing volunteer;
- 10 (vi) is an employee of a court;
- 11 (vii) is an employee of a probation department; or
- 12 (viii) is an employee of a community corrections program;
- 13 **or**
- 14 **(ix) is an employee of a pharmacy (as defined in**
- 15 **IC 25-26-13-2), a patron of a pharmacy, or a pharmacist**
- 16 **intern or pharmacist extern;**
- 17 (C) the person has a prior unrelated conviction for an offense
- 18 under this section concerning the same victim; or
- 19 (D) the threat is communicated using property, including
- 20 electronic equipment or systems, of a school corporation or
- 21 other governmental entity; and
- 22 (2) Class C felony if, while committing it, the person draws or
- 23 uses a deadly weapon.
- 24 (c) "Threat" means an expression, by words or action, of an
- 25 intention to:
- 26 (1) unlawfully injure the person threatened or another person, or
- 27 damage property;
- 28 (2) unlawfully subject a person to physical confinement or
- 29 restraint;
- 30 (3) commit a crime;
- 31 (4) unlawfully withhold official action, or cause such withholding;
- 32 (5) unlawfully withhold testimony or information with respect to
- 33 another person's legal claim or defense, except for a reasonable
- 34 claim for witness fees or expenses;
- 35 (6) expose the person threatened to hatred, contempt, disgrace, or
- 36 ridicule;
- 37 (7) falsely harm the credit or business reputation of the person
- 38 threatened; or
- 39 (8) cause the evacuation of a dwelling, a building, another
- 40 structure, or a vehicle.

41 SECTION 4. [EFFECTIVE JULY 1, 2007] **IC 35-45-2-1, as**
 42 **amended by this act, applies only to offenses committed after June**

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