

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1017, 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:**

- 1           Page 1, line 16, delete "IC 25-26-13-25(j)(5)" and insert "**IC**  
2           **25-26-13-25(j)(6)**".
- 3           Page 2, line 20, delete "IC 25-26-13-25(j)(5)." and insert "**IC**  
4           **25-26-13-25(j)(6)**".
- 5           Page 2, delete lines 21 through 23, begin a new paragraph and  
6           insert:
- 7           "**(e) The department may establish directives concerning the**  
8           **return of unused medical devices or medical supplies that are used**  
9           **for prescription drug therapy and that meet the requirements of**  
10          **IC 25-26-13-25(k).**
- 11          **(f) A pharmacist or pharmacy that enters into an agreement**  
12          **with the department to accept the return of:**
- 13               **(1) unused medications that meet the requirements of**  
14               **IC 25-26-13-25(j)(1) through IC 25-26-13-25(j)(6); or**  
15               **(2) unused medical devices or medical supplies that are used**  
16               **for prescription drug therapy and that meet the requirements**  
17               **of IC 25-26-13-25(k);**
- 18          **may negotiate with the department a fee for processing the**  
19          **returns.**".
- 20          Page 2, line 26, delete "of" and insert "**of:**  
21          **(1)**".

1 Page 2, line 28, delete "IC 25-26-13-25(j)(5)." and insert "**IC**  
2 **25-26-13-25(j)(6); and**

3 **(2) unused medical devices or medical supplies that are used**  
4 **for prescription drug therapy and that meet the requirements**  
5 **of IC 25-26-13-25(k)."**

6 Page 2, line 35, delete "IC 25-26-13-25(j)(5)." and insert "**IC**  
7 **25-26-13-25(j)(6)."**

8 Page 2, delete lines 36 through 38, begin a new paragraph and  
9 insert:

10 **"(c) The county sheriff may return unused medical devices or**  
11 **medical supplies that are used for prescription drug therapy and**  
12 **that meet the requirements of IC 25-26-13-25(k) to a pharmacy or**  
13 **pharmacist.**

14 **(d) A pharmacist or pharmacy that enters into an agreement**  
15 **with the county sheriff to accept the return of:**

16 **(1) unused medications that meet the requirements of**  
17 **IC 25-26-13-25(j)(1) through IC 25-26-13-25(j)(6); or**

18 **(2) unused medical devices or medical supplies that are used**  
19 **for prescription drug therapy and that meet the requirements**  
20 **of IC 25-26-13-25(k);**

21 **may negotiate with the county sheriff a fee for processing the**  
22 **returns."**

23 Page 6, between lines 16 and 17, begin a new paragraph and insert:

24 **"(k) A pharmacist or a pharmacy shall not resell, reuse, or**  
25 **redistribute medical devices or medical supplies used for**  
26 **prescription drug therapy that have been returned to the**  
27 **pharmacy after being dispensed unless the medical devices or**  
28 **medical supplies:**

29 **(1) were dispensed to an individual in a county jail or**  
30 **department of correction facility;**

31 **(2) are not expired; and**

32 **(3) are returned unopened and in the original sealed**  
33 **packaging."**

34 Page 6, line 17, strike "(k)" and insert "**(l)**".

35 Page 6, line 19, strike "(l)" and insert "**(m)**".

36 Page 6, after line 20, begin a new paragraph and insert:

37 **"SECTION 5. IC 35-48-3-9, AS AMENDED BY P.L.204-2005,**  
38 **SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**

1 JULY 1, 2011]: Sec. 9. (a) Except for dosages medically required for  
2 a period of not more than forty-eight (48) hours that are dispensed by  
3 or on the direction of a practitioner or medication dispensed directly by  
4 a practitioner, other than a pharmacy, to an ultimate user, no controlled  
5 substance in schedule II may be dispensed without the written **or**  
6 **electronic** prescription of a practitioner.

7 (b) In emergency situations, as defined by rule of the board,  
8 schedule II drugs may be dispensed upon oral prescription of a  
9 practitioner, reduced promptly to writing and filed by the pharmacy.  
10 Prescriptions shall be retained in conformity with the requirements of  
11 section 7 of this chapter. No prescription for a schedule II substance  
12 may be refilled.

13 (c) Except for dosages medically required for a period of not more  
14 than forty-eight (48) hours that are dispensed by or on the direction of  
15 a practitioner, or medication dispensed directly by a practitioner, other  
16 than a pharmacy, to an ultimate user, a controlled substance included  
17 in schedule III or IV, which is a prescription drug as determined under  
18 IC 16-42-19, shall not be dispensed without a written, **electronic**, or  
19 oral prescription of a practitioner. The prescription shall not be filled  
20 or refilled more than six (6) months after the date thereof or be refilled  
21 more than five (5) times, unless renewed by the practitioner.  
22 Prescriptions for schedule III, IV, and V controlled substances may be  
23 transmitted by facsimile from the practitioner or the agent of the  
24 practitioner to a pharmacy. The facsimile prescription is equivalent to  
25 an original prescription to the extent permitted under federal law.

- 1 (d) A controlled substance included in schedule V shall not be
- 2 distributed or dispensed other than for a medical purpose."
- 3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1017 as reprinted January 26, 2011.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 8, Nays 0.

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**Miller**

**Chairperson**