

1 HB355
2 165195-1
3 By Representative Johnson (R)
4 RFD: Health
5 First Read: 01-MAR-16

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8 SYNOPSIS: Under existing law, entities and
9 practitioners who dispense Class II to Class V,
10 inclusive, controlled substances are required to
11 report the dispensing of the drugs to the
12 Controlled Substances Prescription Database. The
13 practitioners covered by the law includes
14 veterinarians who dispense the drugs for
15 administration to animals.

16 This bill would delete veterinarians from
17 these provisions.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

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23 To amend Section 20-2-213 of the Code of Alabama
24 1975, relating to the Controlled Substances Prescription
25 Database; to delete veterinarians from the practitioners
26 covered by the reporting provision of the law.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 20-2-213 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§20-2-213.

4 "(a) Each of the entities designated in subsection
5 (b) shall report to the department, or to an entity designated
6 by the department, controlled substances prescription
7 information as designated by regulation pertaining to all
8 Class II, Class III, Class IV, and Class V controlled
9 substances in such manner as may be prescribed by the
10 department by regulation.

11 "(b) The following entities or practitioners are
12 subject to the reporting requirements of subsection (a):

13 "(1) Licensed pharmacies, not including pharmacies
14 of general and specialized hospitals, nursing homes, and any
15 other health care facilities which provide inpatient care, so
16 long as the controlled substance is administered and used by a
17 patient on the premises of the facility.

18 "(2) Mail order pharmacies or pharmacy benefit
19 programs filling prescriptions for or dispensing controlled
20 substances to residents of this state.

21 "(3) Licensed physicians, dentists, podiatrists, or
22 optometrists, ~~or veterinarians~~ who dispense Class II, Class
23 III, Class IV, and Class V controlled substances directly to
24 patients, ~~or in the case of veterinarians, for administration~~
25 ~~to animals,~~ but excluding sample medications. For the purposes
26 of this article, sample medications are defined as those drugs
27 labeled as a sample, not for resale under the laws and

1 regulations of the Federal Food and Drug Administration.
2 Controlled substances administered to patients by injection,
3 topical application, suppository administration, or oral
4 administration during the course of treatment are excluded
5 from the reporting requirement.

6 "(c) The manner of reporting controlled substance
7 prescription information shall be in such manner and format as
8 designated in the regulations of the department.

9 "(d) The following data elements shall be used in
10 transmitting controlled substance prescription information:

11 "(1) Name or other identifying designation of the
12 prescribing practitioner.

13 "(2) Date prescription was filled or medications
14 dispensed.

15 "(3) Name of person and full address for whom the
16 prescription was written or to whom the medications were
17 dispensed.

18 "(4) National Drug Code (NDC) of controlled
19 substance dispensed.

20 "(5) Quantity of controlled substance dispensed.

21 "(6) Name or other identifying designation of
22 dispensing pharmacy or practitioner.

23 "(7) Other data elements consistent with standards
24 established by the American Society for Automation in Pharmacy
25 as may be designated by regulations adopted by the department.

26 "(8) Method of payment and third-party payor
27 identification of the controlled substance dispensed.

1 "(e) In addition to any other applicable law or
2 regulation, the failure of a licensed pharmacy or pharmacist
3 or a licensed practitioner to comply with the requirements of
4 this section shall constitute grounds for disciplinary action
5 against the license of the pharmacy, pharmacist, or licensed
6 practitioner by the appropriate licensing board or commission,
7 and the imposition of such penalties as the licensing board or
8 commission may prescribe. The department shall report to the
9 appropriate licensing board, agency, or commission the failure
10 of a licensed pharmacist or a licensed practitioner to comply
11 with the reporting requirements of this section. Any report
12 made by the department to a licensing board, agency, or
13 commission shall be deemed a formal complaint and shall be
14 investigated and appropriate action taken thereon."

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.