

1 SB93  
2 165195-1  
3 By Senator Stutts  
4 RFD: Health and Human Services  
5 First Read: 02-FEB-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

22  
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.