

SECOND REGULAR SESSION

SENATE BILL NO. 785

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time February 13, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5391S.041

AN ACT

To repeal sections 195.060 and 195.080, RSMo, and to enact in lieu thereof two new sections relating to dispensation of controlled substances.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 195.060 and 195.080, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 195.060 and
3 195.080, to read as follows:

195.060. 1. Except as provided in subsection [3] 4 of this section, a
2 pharmacist, in good faith, may sell and dispense controlled substances to any
3 person only upon a prescription of a practitioner as authorized by statute,
4 provided that the controlled substances listed in Schedule V may be sold without
5 prescription in accordance with regulations of the department of health and
6 senior services. All written prescriptions shall be signed by the person
7 prescribing the same. All prescriptions shall be dated on the day when issued
8 and bearing the full name and address of the patient for whom, or of the owner
9 of the animal for which, the drug is prescribed, and the full name, address, and
10 the registry number under the federal controlled substances laws of the person
11 prescribing, if he is required by those laws to be so registered. If the prescription
12 is for an animal, it shall state the species of the animal for which the drug is
13 prescribed. The person filling the prescription shall either write the date of
14 filling and his own signature on the prescription or retain the date of filling and
15 the identity of the dispenser as electronic prescription information. The
16 prescription or electronic prescription information shall be retained on file by the
17 proprietor of the pharmacy in which it is filled for a period of two years, so as to
18 be readily accessible for inspection by any public officer or employee engaged in

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 the enforcement of this law. No prescription for a drug in Schedule I or II shall
20 be filled more than six months after the date prescribed; no prescription for a
21 drug in schedule I or II shall be refilled; no prescription for a drug in Schedule
22 III or IV shall be filled or refilled more than six months after the date of the
23 original prescription or be refilled more than five times unless renewed by the
24 practitioner.

25 **2. A pharmacist, in good faith, may sell and dispense controlled**
26 **substances to any person upon a prescription of a practitioner located**
27 **in another state, provided that the:**

28 **(1) Prescription was issued according to and in compliance with**
29 **the applicable laws of that state and the United States; and**

30 **(2) Quantity limitations in subsection 2 of section 195.080 apply**
31 **to prescriptions dispensed to patients located in this state.**

32 **3.** The legal owner of any stock of controlled substances in a pharmacy,
33 upon discontinuance of dealing in such drugs, may sell the stock to a
34 manufacturer, wholesaler, or pharmacist, but only on an official written order.

35 **[3.] 4.** A pharmacist, in good faith, may sell and dispense any Schedule
36 II drug or drugs to any person in emergency situations as defined by rule of the
37 department of health and senior services upon an oral prescription by an
38 authorized practitioner.

39 **[4.] 5.** Except where a bona fide physician-patient-pharmacist
40 relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not
41 be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically
2 provided, sections 195.005 to 195.425 shall not apply to the following cases:
3 prescribing, administering, dispensing or selling at retail of liniments, ointments,
4 and other preparations that are susceptible of external use only and that contain
5 controlled substances in such combinations of drugs as to prevent the drugs from
6 being readily extracted from such liniments, ointments, or preparations, except
7 that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other
8 preparations that contain coca leaves in any quantity or combination.

9 **2.** The quantity of Schedule II controlled substances prescribed or
10 dispensed at any one time shall be limited to a thirty-day supply. The quantity
11 of Schedule III, IV or V controlled substances prescribed or dispensed at any one
12 time shall be limited to a ninety-day supply and shall be prescribed and
13 dispensed in compliance with the general provisions of sections 195.005 to

14 195.425. The supply limitations provided in this subsection may be increased up
15 to three months if the physician describes on the prescription form or indicates
16 via telephone, fax, or electronic communication to the pharmacy to be entered on
17 or attached to the prescription form the medical reason for requiring the larger
18 supply. The supply limitations provided in this subsection shall not apply if:

19 **(1) The prescription is issued by a practitioner located in**
20 **another state according to and in compliance with the applicable laws**
21 **of that state and the United States and dispensed to a patient located**
22 **in another state; or**

23 **(2) The prescription is dispensed directly to a member of the United**
24 **States armed forces serving outside the United States.**

25 3. The partial filling of a prescription for a Schedule II substance is
26 permissible as defined by regulation by the department of health and senior
27 services.

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Bill

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