

FIRST REGULAR SESSION

SENATE BILL NO. 450

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

Read 1st time February 26, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2289S.011

AN ACT

To repeal section 195.080, RSMo, and to enact in lieu thereof one new section relating to exceptions to prescription limitations.

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

Section A. Section 195.080, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 195.080, to read as follows:

195.080. 1. Except as otherwise provided in this chapter and chapter 579,
2 this chapter and chapter 579 shall not apply to the following cases: prescribing,
3 administering, dispensing or selling at retail of liniments, ointments, and other
4 preparations that are susceptible of external use only and that contain controlled
5 substances in such combinations of drugs as to prevent the drugs from being
6 readily extracted from such liniments, ointments, or preparations, except that
7 this chapter and chapter 579 shall apply to all liniments, ointments, and other
8 preparations that contain coca leaves in any quantity or combination.

9 2. Unless otherwise provided in sections 334.037, 334.104, and 334.747,
10 a practitioner, other than a veterinarian, shall not issue an initial prescription
11 for more than a seven-day supply of any opioid controlled substance upon the
12 initial consultation and treatment of a patient for acute pain. Upon any
13 subsequent consultation for the same pain, the practitioner may issue any
14 appropriate renewal, refill, or new prescription in compliance with the general
15 provisions of this chapter and chapter 579. Prior to issuing an initial prescription
16 for an opioid controlled substance, a practitioner shall consult with the patient
17 regarding the quantity of the opioid and the patient's option to fill the
18 prescription in a lesser quantity and shall inform the patient of the risks
19 associated with the opioid prescribed. If, in the professional medical judgment
20 of the practitioner, more than a seven-day supply is required to treat the patient's

21 acute pain, the practitioner may issue a prescription for the quantity needed to
22 treat the patient; provided, that the practitioner shall document in the patient's
23 medical record the condition triggering the necessity for more than a seven-day
24 supply and that a nonopioid alternative was not appropriate to address the
25 patient's condition. The provisions of this subsection shall not apply to
26 prescriptions for opioid controlled substances for a patient who is currently
27 undergoing treatment for cancer **or sickle cell disease**, is receiving hospice care
28 from a hospice certified under chapter 197 or palliative care, is a resident of a
29 long-term care facility licensed under chapter 198, or is receiving treatment for
30 substance abuse or opioid dependence.

31 3. A pharmacist or pharmacy shall not be subject to disciplinary action or
32 other civil or criminal liability for dispensing or refusing to dispense medication
33 in good faith pursuant to an otherwise valid prescription that exceeds the
34 prescribing limits established by subsection 2 of this section.

35 4. Unless otherwise provided in this section, the quantity of Schedule II
36 controlled substances prescribed or dispensed at any one time shall be limited to
37 a thirty-day supply. The quantity of Schedule III, IV or V controlled substances
38 prescribed or dispensed at any one time shall be limited to a ninety-day supply
39 and shall be prescribed and dispensed in compliance with the general provisions
40 of this chapter and chapter 579. The supply limitations provided in this
41 subsection may be increased up to three months if the physician describes on the
42 prescription form or indicates via telephone, fax, or electronic communication to
43 the pharmacy to be entered on or attached to the prescription form the medical
44 reason for requiring the larger supply. The supply limitations provided in this
45 subsection shall not apply if:

46 (1) The prescription is issued by a practitioner located in another state
47 according to and in compliance with the applicable laws of that state and the
48 United States and dispensed to a patient located in another state; or

49 (2) The prescription is dispensed directly to a member of the United
50 States Armed Forces serving outside the United States.

51 5. The partial filling of a prescription for a Schedule II substance is
52 permissible as defined by regulation by the department of health and senior
53 services.

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