



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1109 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 25-1-9.3-8, AS AMENDED BY P.L.114-2020,
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 8. A prescriber may issue a prescription for a
6 controlled substance in a written format, a faxed format, or an oral
7 order if any of the following apply:
8 (1) The prescriber cannot transmit an electronically transmitted
9 prescription due to:
10 (A) temporary technological or electrical failure; ~~or~~
11 (B) the technological inability to issue a prescription
12 electronically, including but not limited to failure to possess
13 the requisite technology; **or**
14 **(C) the inability of the dispensing pharmacy or provider to**
15 **receive or process an electronically transmitted**
16 **prescription.**
17 (2) The prescriber issues a prescription to be dispensed by a
18 pharmacy located outside Indiana.
19 (3) The prescriber and the pharmacist are the same entity.
20 (4) The prescriber issues a prescription that meets any of the
21 following:
22 (A) The prescription contains elements that are not supported
23 by the technical standards developed by the National Council
24 for Prescription Drug Programs for electronically transmitted
25 prescriptions (NCPDP SCRIPT).
26 (B) The federal Food and Drug Administration requires the
27 prescription to contain certain elements that cannot be

- 1 supported in an electronically transmitted prescription.
- 2 (C) The prescription is a non-patient specific prescription in
- 3 response to a public health emergency or another instance
- 4 allowable under state law and that requires a non-patient
- 5 specific prescription under:
- 6 (i) a standing order;
- 7 (ii) approved protocol for drug therapy;
- 8 (iii) collaborative drug management; or
- 9 (iv) comprehensive medication management.
- 10 (D) The prescription is issued under a research protocol.
- 11 (5) The prescriber has received a waiver or a renewal of a
- 12 previously received waiver from the board in accordance with
- 13 rules adopted under section 9 of this chapter.
- 14 (6) The board, in accordance with rules adopted under section 9
- 15 of this chapter, has determined that issuing an electronically
- 16 transmitted prescription would be impractical and cause delay,
- 17 adversely impacting the patient's medical condition.
- 18 (7) The prescriber reasonably determines that it would be
- 19 impractical for the patient to obtain an electronic prescription in
- 20 a timely manner and the delay would adversely affect the patient's
- 21 medical condition."

22 Renumber all SECTIONS consecutively.
(Reference is to EHB 1109 as printed March 5, 2021.)

Senator BROWN L