

# HOUSE BILL No. 1109

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1-9.3-6; IC 25-26-24-17.

**Synopsis:** INSPECT program reporting. Amends the definition of "prescription" for purposes of electronically transmitted prescriptions for controlled substances. Provides that a dispenser who is also authorized to prescribe ephedrine, pseudoephedrine, or a controlled substance is required only to report to the Indiana scheduled prescription electronic collection and tracking (INSPECT) program actual dispensations within 24 hours of the dispensation. Voids a rule that prohibits the transfer of Schedule II controlled substance prescriptions.

**Effective:** July 1, 2021.

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## Bartels

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January 7, 2021, read first time and referred to Committee on Public Health.

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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1109

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-1-9.3-6, AS ADDED BY P.L.28-2019,
- 2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2021]: Sec. 6. As used in this chapter, "prescription" has the
- 4 meaning set forth in ~~IC 25-26-13-2~~. **IC 25-26-24-12.**
- 5 SECTION 2. IC 25-26-24-17, AS ADDED BY P.L.51-2019,
- 6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2021]: Sec. 17. (a) The board shall provide for an ephedrine,
- 8 pseudoephedrine, and controlled substance prescription monitoring
- 9 program that includes the following components:
- 10 (1) Each time ephedrine, pseudoephedrine, or a controlled
- 11 substance designated by the board under IC 35-48-2-5 through
- 12 IC 35-48-2-10 is dispensed, the dispenser shall transmit to the
- 13 INSPECT program the following information:
- 14 (A) The ephedrine, pseudoephedrine, or controlled substance
- 15 recipient's name.
- 16 (B) The ephedrine, pseudoephedrine, or controlled substance
- 17 recipient's or the recipient representative's identification



- 1           number or the identification number or phrase designated by  
 2           the INSPECT program.  
 3           (C) The ephedrine, pseudoephedrine, or controlled substance  
 4           recipient's date of birth.  
 5           (D) The national drug code number of the ephedrine,  
 6           pseudoephedrine, or controlled substance dispensed.  
 7           (E) The date the ephedrine, pseudoephedrine, or controlled  
 8           substance is dispensed.  
 9           (F) The quantity of the ephedrine, pseudoephedrine, or  
 10          controlled substance dispensed.  
 11          (G) The number of days of supply dispensed.  
 12          (H) The dispenser's United States Drug Enforcement Agency  
 13          registration number.  
 14          (I) The prescriber's United States Drug Enforcement Agency  
 15          registration number.  
 16          (J) An indication as to whether the prescription was  
 17          transmitted to the pharmacist orally or in writing.  
 18          (K) Other data required by the board.
- 19          (2) The information required to be transmitted under this section  
 20          must be transmitted not more than twenty-four (24) hours after the  
 21          date on which ephedrine, pseudoephedrine, or a controlled  
 22          substance is dispensed. However, if the dispenser's pharmacy is  
 23          closed the day following the dispensing, the information must be  
 24          transmitted by the end of the next business day. **A dispenser who**  
 25          **is also authorized to prescribe is required only to report**  
 26          **actual dispensations within twenty-four (24) hours of the**  
 27          **dispensation.**
- 28          (3) A dispenser shall transmit the information required under this  
 29          section by:  
 30                  (A) uploading to the INSPECT Internet web site; or  
 31                  (B) another electronic method that meets specifications  
 32                  prescribed by the board.
- 33          (4) The board may require that prescriptions for ephedrine,  
 34          pseudoephedrine, or controlled substances be written on a one (1)  
 35          part form that cannot be duplicated. However, the board may not  
 36          apply such a requirement to prescriptions filled at a pharmacy  
 37          with a Category II permit (as described in IC 25-26-13-17) and  
 38          operated by a hospital licensed under IC 16-21, or prescriptions  
 39          ordered for and dispensed to bona fide enrolled patients in  
 40          facilities licensed under IC 16-28. The board may not require  
 41          multiple copy prescription forms for any prescriptions written.  
 42          The board may not require different prescription forms for any



1 individual drug or group of drugs. Prescription forms required  
2 under this subdivision must be approved by the Indiana board of  
3 pharmacy created by IC 25-26-13-3.

4 (5) The costs of the program.

5 (6) As part of the information to be completed in the data base  
6 and, if available, an entry where a dispenser indicates that a  
7 patient is participating in a pain management contract with a  
8 designated practitioner.

9 (b) The board shall consider the recommendations of the committee  
10 concerning the INSPECT program.

11 (c) This subsection applies only to a retail pharmacy. A pharmacist,  
12 pharmacy technician, or person authorized by a pharmacist to dispense  
13 ephedrine, pseudoephedrine, or a controlled substance may not  
14 dispense ephedrine, pseudoephedrine, or a controlled substance to a  
15 person who is not personally known to the pharmacist, pharmacy  
16 technician, or person authorized by a pharmacist to dispense a  
17 controlled substance unless the person taking possession of the  
18 ephedrine, pseudoephedrine, or controlled substance provides  
19 documented proof of the person's identification to the pharmacist,  
20 pharmacy technician, or person authorized by a pharmacist to dispense  
21 ephedrine, pseudoephedrine, or a controlled substance.

22 SECTION 3. [EFFECTIVE JULY 1, 2021] (a) **856 IAC 1-32-2(d)**  
23 **is void. The publisher of the Indiana Administrative Code and**  
24 **Indiana Register shall remove this subsection from the Indiana**  
25 **Administrative Code.**

26 (b) **This SECTION expires July 1, 2022.**

