

HOUSE BILL No. 1109

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.

Bartels

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



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.**

