



March 5, 2021

ENGROSSED HOUSE BILL No. 1109

DIGEST OF HB 1109 (Updated March 3, 2021 12:02 pm - DI 133)

Citations Affected: IC 25-26.

Synopsis: INSPECT program reporting. 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.

Effective: July 1, 2021.

Bartels, Miller D, Barrett
(SENATE SPONSORS — CHARBONNEAU, DORIOT)

January 7, 2021, read first time and referred to Committee on Public Health.
February 8, 2021, amended, reported — Do Pass.
February 11, 2021, read second time, ordered engrossed. Engrossed.
February 15, 2021, read third time, passed. Yeas 91, nays 0.

SENATE ACTION

February 23, 2021, read first time and referred to Committee on Health and Provider Services.
March 4, 2021, reported favorably — Do Pass.

EH 1109—LS 6885/DI 77



March 5, 2021

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.

ENGROSSED 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 25-26-24-17, AS ADDED BY P.L.51-2019,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 17. (a) The board shall provide for an ephedrine,
4 pseudoephedrine, and controlled substance prescription monitoring
5 program that includes the following components:

6 (1) Each time ephedrine, pseudoephedrine, or a controlled
7 substance designated by the board under IC 35-48-2-5 through
8 IC 35-48-2-10 is dispensed, the dispenser shall transmit to the
9 INSPECT program the following information:

10 (A) The ephedrine, pseudoephedrine, or controlled substance
11 recipient's name.

12 (B) The ephedrine, pseudoephedrine, or controlled substance
13 recipient's or the recipient representative's identification
14 number or the identification number or phrase designated by
15 the INSPECT program.

16 (C) The ephedrine, pseudoephedrine, or controlled substance
17 recipient's date of birth.

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



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

5 (b) The board shall consider the recommendations of the committee
6 concerning the INSPECT program.

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1109, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 4.

Page 3, delete lines 22 through 26.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1109 as introduced.)

BARRETT

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1109, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1109 as printed February 8, 2021.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 9, Nays 0

