HOUSE BILL No. 1271

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48-7.

Synopsis: Repeal of INSPECT oversight committee. Repeals the INSPECT oversight committee. Removes expired language.

Effective: July 1, 2017.

Gutwein

January 10, 2017, read first time and referred to Committee on Select Committee on Government Reduction.

Introduced

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1271

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 35-48-7-2.5 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 2.5. As used in this chapter, "committee" refers to the INSPECT oversight committee established by section 17 of this chapter.~~

SECTION 2. IC 35-48-7-8.1, AS AMENDED BY P.L.5-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8.1. (a) The board shall provide for an ephedrine, pseudoephedrine, and controlled substance prescription monitoring program that includes the following components:

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

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

(B) The ephedrine, pseudoephedrine, or controlled substance recipient's or the recipient representative's identification

number or the identification number or phrase designated by the INSPECT program.

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

(D) The national drug code number of the ephedrine, pseudoephedrine, or controlled substance dispensed.

(E) The date the ephedrine, pseudoephedrine, or controlled substance is dispensed.

(F) The quantity of the ephedrine, pseudoephedrine, or controlled substance dispensed.

(G) The number of days of supply dispensed.

(H) The dispenser's United States Drug Enforcement Agency registration number.

(I) The prescriber's United States Drug Enforcement Agency registration number.

(J) An indication as to whether the prescription was transmitted to the pharmacist orally or in writing.

(K) Other data required by the board.

(2) The information required to be transmitted under this section must be transmitted ~~as follows:~~

~~(A) Before July 1, 2015, not more than seven (7) days after the date on which ephedrine, pseudoephedrine, or a controlled substance is dispensed.~~

~~(B) Beginning July 1, 2015, and until December 31, 2015, not more than three (3) days after the date on which ephedrine, pseudoephedrine, or a controlled substance is dispensed.~~

~~(C) Beginning January 1, 2016, and thereafter,~~ not more than twenty-four (24) hours after the date on which ephedrine, pseudoephedrine, or a controlled substance is dispensed. However, if the dispenser's pharmacy is closed the day following the dispensing, the information must be transmitted by the end of the next business day.

(3) A dispenser shall transmit the information required under this section by:

(A) uploading to the INSPECT web site;

(B) a computer diskette; or

(C) a CD-ROM disk;

that meets specifications prescribed by the board.

(4) The board may require that prescriptions for ephedrine, pseudoephedrine, or controlled substances be written on a one (1) part form that cannot be duplicated. However, the board may not apply such a requirement to prescriptions filled at a pharmacy

with a Category II permit (as described in IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for and dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The board may not require multiple copy prescription forms for any prescriptions written. The board may not require different prescription forms for any individual drug or group of drugs. Prescription forms required under this subdivision must be approved by the Indiana board of pharmacy established by IC 25-26-13-3.

(5) The costs of the program.

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

~~(c)~~ **(b)** This subsection applies only to a retail pharmacy. A pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense ephedrine, pseudoephedrine, or a controlled substance may not dispense ephedrine, pseudoephedrine, or a controlled substance to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the ephedrine, pseudoephedrine, or controlled substance provides documented proof of the person's identification to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense ephedrine, pseudoephedrine, or a controlled substance.

SECTION 3. IC 35-48-7-10.1, AS AMENDED BY P.L.5-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10.1. (a) The INSPECT program must do the following:

(1) Create a data base for information required to be transmitted under section 8.1 of this chapter in the form required under rules adopted by the board, including search capability for the following:

(A) An ephedrine, pseudoephedrine, or a controlled substance recipient's name.

(B) An ephedrine, pseudoephedrine, or a controlled substance recipient's or recipient representative's identification number.

(C) An ephedrine, pseudoephedrine, or a controlled substance recipient's date of birth.

(D) The national drug code number of ephedrine, pseudoephedrine, or a controlled substance dispensed.

(E) The dates ephedrine, pseudoephedrine, or a controlled substance are dispensed.

(F) The quantities of ephedrine, pseudoephedrine, or

controlled substance dispensed.

(G) The number of days of supply dispensed.

(H) A dispenser's United States Drug Enforcement Agency registration number.

(I) A prescriber's United States Drug Enforcement Agency registration number.

(J) Whether a prescription was transmitted to the pharmacist orally or in writing.

(K) An ephedrine, pseudoephedrine, or a controlled substance recipient's method of payment for the ephedrine, pseudoephedrine, or controlled substance dispensed.

(2) Provide the board with continuing twenty-four (24) hour a day online access to the data base.

(3) Secure the information collected and the data base maintained against access by unauthorized persons.

~~(b) The board may not execute a contract with a vendor designated by the board to perform any function associated with the administration of the INSPECT program, unless the contract has been approved by the committee.~~

~~(c)~~ **(b)** The INSPECT program may gather prescription data from the Medicaid retrospective drug utilization review (DUR) program established under IC 12-15-35.

~~(d)~~ **(c)** The board may accept and designate grants, public and private financial assistance, and licensure fees to provide funding for the INSPECT program.

SECTION 4. IC 35-48-7-17 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 17. (a) The INSPECT oversight committee is established.~~

~~(b) The committee consists of the following members:~~

~~(1) The president of the board or the president's designee, who shall serve as the chairperson of the committee.~~

~~(2) The commissioner of the state department of health or the commissioner's designee.~~

~~(3) The superintendent of the state police department or the superintendent's designee.~~

~~(4) The attorney general or the attorney general's designee.~~

~~(5) Two (2) lay members who are authorized users of the INSPECT program appointed by the president pro tempore of the senate, not more than one (1) of whom may be affiliated with the same political party.~~

~~(6) Two (2) lay members who are authorized users of the INSPECT program appointed by the speaker of the house of representatives, not more than one (1) of whom may be affiliated~~

~~with the same political party.~~

~~(c) The committee shall provide recommendations to the board concerning the implementation of policies, standards, and rules that promote the effective operation of the program.~~

~~(d) The committee shall meet:~~

~~(1) at least once each calendar year; and~~

~~(2) at the call of the chairperson.~~

~~(e) Except as provided in subsection (f), the term of a member of the committee appointed under this section is four (4) years. The term of a member of the committee expires July 1, but a member may continue to serve on the committee until a successor is appointed.~~

~~(f) The initial terms for the members appointed under this section are as follows:~~

~~(1) One (1) member appointed under subsection (b)(5) has a term of four (4) years.~~

~~(2) One (1) member appointed under subsection (b)(6) has a term of three (3) years.~~

~~(3) One (1) member appointed under subsection (b)(5) has a term of two (2) years.~~

~~(4) One (1) member appointed under subsection (b)(6) has a term of one (1) year.~~

~~This subsection expires July 1, 2019.~~