



February 22, 2019

SENATE BILL No. 133

DIGEST OF SB 133 (Updated February 20, 2019 10:28 am - DI 104)

Citations Affected: IC 16-42.

Synopsis: Prescription drug listed as an opioid on label. Provides that if a pharmacist dispenses a prescription drug that contains or is derived from opium, the prescription label must bear a statement that the drug is an opioid.

Effective: July 1, 2019.

Leising, Becker

January 3, 2019, read first time and referred to Committee on Health and Provider Services.
February 21, 2019, amended, reported favorably — Do Pass.

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February 22, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 133

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

- 1 SECTION 1. IC 16-42-19-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) Except as
3 provided in section 21 of this chapter, a person may not sell a legend
4 drug unless either of the following conditions exist:
5 (1) Except as provided in subsection (b), the legend drug is
6 dispensed by a pharmacist upon an original prescription or drug
7 order with the drug product specified on the prescription or drug
8 order or by the authorization of the practitioner and there is
9 affixed to the immediate container in which the drug is delivered
10 a label bearing the following:
11 (A) The name, address, and phone number of the
12 establishment from which the drug was dispensed.
13 (B) The date on which the prescription for the drug was filled.
14 (C) The number of the prescription as filed in the prescription
15 files of the pharmacist who filled the prescription.
16 (D) The name of the practitioner who prescribed the drug.
17 (E) The name of the patient, or if the drug was prescribed for

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- 1 an animal, a statement of the species of the animal.
 2 (F) The directions for the use of the drug as contained in the
 3 prescription.
 4 **(G) If the drug contains or is derived from opium, a**
 5 **statement that the drug is an opioid.**
 6 (2) The legend drug is delivered by the practitioner in good faith
 7 in the course of practice and the immediate container in which the
 8 drug is delivered bears a label on which appears the following:
 9 (A) The directions for use of the drug.
 10 (B) The name and address of the practitioner.
 11 (C) The name of the patient.
 12 (D) If the drug is prescribed for an animal, a statement of the
 13 species of the animal.
- 14 This section does not prohibit a practitioner from delivering
 15 professional samples of legend drugs in their original containers in the
 16 course of the practitioner's practice when oral directions for use are
 17 given at the time of delivery.
- 18 (b) Notwithstanding subsection (a)(1), the following apply:
 19 (1) A pharmacist at a hospital licensed under IC 16-21 may fill a
 20 drug order for a legend drug with a drug product allowed under
 21 the hospital's policies and procedures for the use, selection, and
 22 procurement of drugs.
 23 (2) A pharmacist who fills a prescription for a legend drug must
 24 comply with IC 16-42-22 and IC 25-26-16.
- 25 SECTION 2. IC 16-42-19-27, AS AMENDED BY P.L.59-2016,
 26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 27. (a) **This section does not apply to section**
 28 **11(a)(1)(G) of this chapter (opioid labeling requirement).**
 29 (b) Unless otherwise specified, a person who knowingly violates
 30 this chapter, except sections 25(b) and 30(c) of this chapter, commits
 31 a Level 6 felony. However, the offense is a Level 5 felony if the person
 32 has a prior conviction under this subsection or IC 16-6-8-10(a) before
 33 its repeal.
- 34 ~~(b)~~ (c) A person who violates section 25(b) of this chapter commits
 35 dealing in an anabolic steroid, a Level 5 felony. However, the offense
 36 is a Level 4 felony if the person delivered the anabolic steroid to a
 37 person who is:
 38 (1) less than eighteen (18) years of age; and
 39 (2) at least three (3) years younger than the delivering person.
- 40 ~~(c)~~ (d) A person who violates section 30(c) of this chapter commits
 41 a Class A infraction.



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 133, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, after line 24, begin a new paragraph and insert:

"SECTION 2. IC 16-42-19-27, AS AMENDED BY P.L.59-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 27. (a) **This section does not apply to section 11(a)(1)(G) of this chapter (opioid labeling requirement).**

(b) Unless otherwise specified, a person who knowingly violates this chapter, except sections 25(b) and 30(c) of this chapter, commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior conviction under this subsection or IC 16-6-8-10(a) before its repeal.

(~~b~~) (c) A person who violates section 25(b) of this chapter commits dealing in an anabolic steroid, a Level 5 felony. However, the offense is a Level 4 felony if the person delivered the anabolic steroid to a person who is:

- (1) less than eighteen (18) years of age; and
- (2) at least three (3) years younger than the delivering person.

(~~c~~) (d) A person who violates section 30(c) of this chapter commits a Class A infraction."

and when so amended that said bill do pass.

(Reference is to SB 133 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 7, Nays 0.

