

SENATE BILL No. 294

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-42-19-30; IC 25-26-13-33.

Synopsis: Legend drug investigations. Provides that certain laws concerning obtaining a legend drug or the validity of a prescription or drug order do not apply to actions of a person, practitioner, or pharmaceutical manufacturer performed in an investigation of a pharmaceutical manufacturer's legend drug that is suspected of being counterfeited, adulterated, or misbranded. Prohibits a person from owning or operating a store, facility, or other place of business in Indiana where: (1) prescriptions are accepted to be filled; or (2) prescription drugs or devices are ordered, offered or advertised for sale, or paid for; unless the person has a pharmacy permit. Excludes mail order and Internet based pharmacies to the extent that they are allowed to operate under state law.

Effective: July 1, 2015.

Miller Patricia

January 8, 2015, read first time and referred to Committee on Health & Provider Services.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 294

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 16-42-19-30 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 30. (a) Sections 16 and 20 of this**
4 **chapter do not apply to the actions of a:**
5 (1) **person;**
6 (2) **practitioner; or**
7 (3) **pharmaceutical manufacturer that is approved by the**
8 **federal Food and Drug Administration;**
9 **performed in an investigation of a pharmaceutical manufacturer's**
10 **legend drug that is suspected of being counterfeited, adulterated,**
11 **or misbranded.**
12 (b) **A drug sample collected during an investigation described**
13 **in subsection (a) may only be used for testing or a civil or criminal**
14 **action. A drug sample collected during an investigation may not be**
15 **resold or provided for human consumption.**
16 SECTION 2. IC 25-26-13-33 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2015]: **Sec. 33. (a) This section does not apply**
3 **to a mail order or Internet based pharmacy (as defined by**
4 **IC 25-26-18-1) to the extent that the pharmacy is allowed to**
5 **operate under IC 25-26-18.**
6 **(b) A person may not own or operate a store, facility, or other**
7 **place of business in Indiana where:**
8 **(1) prescriptions are accepted to be filled; or**
9 **(2) prescription drugs or devices are:**
10 **(A) ordered;**
11 **(B) offered or advertised for sale; or**
12 **(C) paid for;**
13 **unless the person has a pharmacy permit issued under this chapter.**

