

State Statutes Requiring or Permitting Pharmacists to Request Identification Prior to Releasing
Prescription Controlled Substances

This compilation contains state statutes and regulations as they relate to presenting identification prior to obtaining prescription controlled substances from a pharmacy. Please note that this compilation does NOT include any of the following:

- **Bills currently under consideration in state legislatures;**
- **Prescription Monitoring Program (PMP) statutes and regulations, some of which require the reporting of a patient identifier;**
- **Statutes and regulations with limited application such as those requiring ID's only for out-of-state prescriptions or only for oral prescriptions;**
- **Statutes and regulations requiring persons to present identification to a pharmacist prior to obtaining non-prescription Schedule V substances; and**
- **Statutes and regulations requiring persons to present identification prior to purchasing methamphetamine precursors and other listed precursor chemicals**

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State Statutes Requiring or Permitting Pharmacists to Request Identification Prior to Releasing
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Arkansas Code Annotated

Title 17. Professions, Occupations, and Businesses
Subtitle 3. Medical Professions (Chapters 80 to 107)
Chapter 92. Pharmacists and Pharmacies
Subchapter 4. Pharmacies

§ 17-92-410. Recordkeeping requirements

(a) The proprietor shall at all times keep in his or her place of business a record book in which shall be entered all sales of the following, other than sales to physicians, dentists, veterinarians, and sales made on prescriptions of a physician, dentist, or veterinarian: arsenious acid, hydrocyanic acid, potassium cyanide, cyanide mixture, mercury bichloride, and strychnine and its salts, except in proper dosage in pill and tablet form.

(b)(1) The record shall show in parallel columns: date of sale, name of article sold, quantity of article sold, purpose for which sold, name or initial of dispenser, and the signature and address of the purchaser. The record shall at all times during business hours be open for inspection by any police officer, sheriff, city or town representative, or any representative of the Arkansas State Board of Pharmacy and shall be preserved for a period of not less than two (2) years from the date of the last entry in the record.

(2) If the purchaser is a person not known to the seller, the seller shall require necessary identification to determine the true name and address of the purchaser.

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Connecticut General Statutes Annotated

Title 20. Professional and Occupational Licensing, Certification, Title Protection and Registration.

Examining Boards

Chapter 400J. Pharmacy

Part III. Practice of Pharmacy

§ 20-612a. Confirmation of identification prior to release of controlled substance. Exceptions

A pharmacist licensed pursuant to this chapter or his or her agent shall require the presentation of valid photographic identification prior to releasing a controlled substance to any person not known to such pharmacist. The provisions of this section shall not apply in an institutional setting or to a long-term care facility, including, but not limited to, an assisted living facility or a hospital.

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Statutory Authority for the following regulation is Delaware Code title 16 § 4731, which states:

“The Secretary may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this State.”

CODE OF DELAWARE REGULATIONS

16. DEPARTMENT OF HEALTH AND SOCIAL SERVICES

4000. DIVISION OF PUBLIC HEALTH; HEALTH SYSTEMS PROTECTION (4400)

4426. CONTROLLED SUBSTANCES ACT REGULATIONS

§ 4426 Controlled Substances Act

...

4.12 The pharmacist or an employee under his/her supervision must verify the identity of the person receiving a dispensed controlled substance at the time it is transferred to that person. A driver's license or a similar document containing a photograph and the name and address of the person is an acceptable document. The name and address of the person should be recorded on either the prescription or patient's profile. The pharmacist or employee is not required to follow this procedure for each transaction if the identify of the person is clearly established by visual recognition. In those cases, the information shall be recorded at least once.

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Florida Statutes Annotated

Title XLVI. Crimes (Chapters 775-899)

Chapter 893. Drug Abuse Prevention and Control

893.08. Exceptions

(1) The following may be distributed at retail without a prescription, but only by a registered pharmacist:

(a) Any compound, mixture, or preparation described in Schedule V.

(b) Any compound, mixture, or preparation containing any depressant or stimulant substance described in s. 893.03(2)(a) or (c) except any amphetamine drug or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to this chapter; in s. 893.03(3)(a); or in Schedule IV, if:

1. The compound, mixture, or preparation contains one or more active medicinal ingredients not having depressant or stimulant effect on the central nervous system, and

2. Such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the controlled substances which do have a depressant or stimulant effect on the central nervous system.

(2) No compound, mixture, or preparation may be dispensed under subsection (1) unless such substance may, under the Federal Food, Drug, and Cosmetic Act, be lawfully sold at retail without a prescription.

(3) The exemptions authorized by this section shall be subject to the following conditions:

(a) The compounds, mixtures, and preparations referred to in subsection (1) may be dispensed to persons under age 18 only on prescription. A bound volume must be maintained as a record of sale at retail of excepted compounds, mixtures, and preparations, and the pharmacist must require suitable identification from every unknown purchaser.

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Statutory authorities for the following regulation are Florida Code § 465.005 and § 465.0155, which respectively state:

“The Board of Pharmacy has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it,” and “Consistent with the provisions of this act, the board shall adopt by rule standards of practice relating to the practice of pharmacy which shall be binding on every state agency and shall be applied by such agencies when enforcing or implementing any authority granted by any applicable statute, rule, or regulation, whether federal or state.”

FLORIDA ADMINISTRATIVE CODE ANNOTATED

**TITLE 64. DEPARTMENT OF HEALTH
SUBTITLE 64B16. BOARD OF PHARMACY
CHAPTER 64B16-27. PHARMACY PRACTICE**

Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain.

(1) An order purporting to be a prescription that is not issued for a legitimate medical purpose is not a prescription and the pharmacist knowingly filling such a purported prescription shall be subject to penalties for violations of the law.

(2) The following criteria shall cause a pharmacist to question whether a prescription was issued for a legitimate medical purpose:

- (a) Frequent loss of controlled substance medications,
- (b) Only controlled substance medications are prescribed for a patient,
- (c) One person presents controlled substance prescriptions with different patient names,
- (d) Same or similar controlled substance medication is prescribed by two or more prescribers at same time,
- (e) Patient always pays cash and always insists on brand name product.

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(3) If any of the criteria in subsection (2) is met, the pharmacist shall:

(a) Require that the person to whom the medication is dispensed provide picture identification and the pharmacist should photocopy such picture identification for the pharmacist's records. If a photocopier is not available, the pharmacist should document on the back of the prescription complete descriptive information from the picture identification. If the person to whom medication is dispensed has no picture identification, the pharmacist should confirm the person's identity and document on the back of the prescription complete information on which the confirmation is based.

(b) Verify the prescription with the prescriber. A pharmacist who believes a prescription for a controlled substance medication to be valid, but who has not been able to verify it with the prescriber, may determine not to supply the full quantity and may dispense a partial supply, not to exceed a 72 hour supply. After verification by the prescriber, the pharmacist may dispense the balance of the prescription within a 72 hour time period following the initial partial filling, unless otherwise prohibited by law.

(4) Every pharmacy permit holder shall maintain a computerized record of controlled substance prescriptions dispensed. A hard copy printout summary of such record, covering the previous 60 day period, shall be made available within 72 hours following a request for it by any law enforcement personnel entitled to request such summary under authority of Section 465.017(2), F.S. Such summary shall include information from which it is possible to determine the volume and identity of controlled substance medications being dispensed under the prescription of a specific prescriber, and the volume and identity of controlled substance medications being dispensed to a specific patient.

(5) Any pharmacist who has reason to believe that a prescriber of controlled substances is involved in the diversion of controlled substances shall report such prescriber to the Department of Health.

(6) Any pharmacist that dispenses a controlled substance subject to the requirements of this rule when dispensed by mail shall be exempt from the requirements to obtain suitable identification.

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Hawai'i Revised Statutes Annotated

Division 1. Government

Title 19. Health

Chapter 329. Uniform Controlled Substances Act

Part IV. Offenses and Penalties

§ 329-41. Prohibited acts B--penalties

(a) It is unlawful for any person:

...

(6) Who is a practitioner or pharmacist to dispense a controlled substance to any individual not known to the practitioner or pharmacist, without first obtaining proper identification and documenting, by signature on a log book kept by the practitioner or pharmacist, the identity of and the type of identification presented by the individual obtaining the controlled substance. If the individual does not have any form of proper identification, the pharmacist shall verify the validity of the prescription and identity of the patient with the prescriber, or their authorized agent, before dispensing the controlled substance. For the purpose of this section, "proper identification" means government-issued identification containing the photograph, printed name, and signature of the individual obtaining the controlled substance;

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Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 720. Criminal Offenses

Offenses Against the Public

Act 570. Illinois Controlled Substances Act

Article III. Registration and Control of Manufacture, Distribution and Dispensing

570/312. Requirements for dispensing controlled substances

...

(c) Except for any non-prescription targeted methamphetamine precursor regulated by the Methamphetamine Precursor Control Act, a controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

(1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his patients, or

(2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself to the pharmacist by means of 2 positive documents of identification.

(3) the dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.

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Louisiana Statutes Annotated

Louisiana Revised Statutes

Title 40. Public Health and Safety

Chapter 4. Food and Drugs

Part X. Uniform Controlled Dangerous Substances Law

§ 971. Prohibited acts; all schedules

...

E. Every pharmacy in which a controlled dangerous substance is physically obtained by a patient or a patient's agent shall require every person purchasing, receiving, or otherwise acquiring any controlled dangerous substance to produce a photo identification card, unless the patient or the patient's agent is known to the pharmacist. The person purchasing, receiving, or otherwise acquiring the controlled dangerous substance prescription does not have to be the specific patient to whom the prescription is issued.

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Statutory authority for the following regulation is Michigan Code § 333.7301 which states that “The administrator may promulgate rules relating to the licensure and control of the manufacture, distribution, prescribing of controlled substances included in schedule 2, and dispensing of controlled substances in this state.”

MICHIGAN ADMINISTRATIVE CODE

DEPARTMENT OF COMMUNITY HEALTH (R 338.3101 THROUGH R 338.3199Q)

DIRECTOR'S OFFICE

PHARMACY - CONTROLLED SUBSTANCES

PART 6. DISPENSING AND ADMINISTERING PRESCRIPTIONS

R 338.3162 Dispensing by pharmacists; delivery of controlled substances.

Rule 62. (1) A controlled substance shall be dispensed by a pharmacist or a pharmacy intern in the presence, and under the immediate supervision, of a pharmacist.

(2) A pharmacist shall require positive identification of individuals to whom controlled substances are dispensed or delivered when the individual is not known to the pharmacist or pharmacy employees. The following provide for waiver of this requirement:

(a) When positive identification is not available and a pharmacist, who in exercising his or her professional judgment, determines that a delay in dispensing the controlled substance may be detrimental to a patient.

(b) Subdivision (a) of this subrule does not exempt a pharmacist from the requirement to submit a patient identifier, as defined in R 338.3102(1)(f).

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Nevada Revised Statutes Annotated

Title 40. Public Health and Safety
Chapter 453. Controlled Substances
Further Regulation and Prohibitions

453.431. Unlawful acts relating to filling and refilling prescriptions and obtaining controlled substance or prescription; authorization to request proper identification from person requesting controlled substance

...

2. A person shall not furnish a false name or address while attempting to obtain a controlled substance or a prescription for a controlled substance. A person prescribing, administering or dispensing a controlled substance may request proper identification from a person requesting controlled substances.

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Statutory authority for the following regulation is Nevada Code § 639.070 which states in part “The Board may:

- (a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.*
- (b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.*
- (c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.*
- (d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.*
- (e) Regulate the practice of pharmacy.*
- (f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.”*

NEVADA ADMINISTRATIVE CODE

CHAPTER 639. PHARMACISTS AND PHARMACY

TRADE PRACTICES

NAC 639.748 Identification of person to whom controlled substance is dispensed. (NRS 639.070)

1. Except as otherwise provided in this section, an employee of a pharmacy who is authorized to dispense controlled substances shall, before dispensing a controlled substance pursuant to a lawful prescription, request the person to whom the controlled substance will be dispensed to present a current form of identification issued by a federal, state or local governmental agency that contains a photograph of himself. The employee shall not dispense the controlled substance if:

- (a) That person does not present such identification; or
- (b) The employee reasonably believes that the identification presented has been altered or is false or otherwise invalid.

2. The provisions of subsection 1 do not apply if:

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- (a) The prescription is paid for, in whole or in part, by an insurer;
- (b) The prescription is for a patient who has had a prescription for the same controlled substance previously filled by the pharmacy; or
- (c) The pharmacy is a part of the health care facility where the patient is being treated.

3. The employee shall:

- (a) Make a photocopy of the identification presented to him; or
- (b) Record the full name of the person to whom the controlled substance is dispensed and the identification number indicated on his identification, if any, on the prescription, the refill log, the counseling log, a computer record related to the patient or any other document that is readily retrievable.

4. If a photocopy of the identification is made pursuant to paragraph (a) of subsection 3, it must be filed with the copy of the prescription that is maintained by the pharmacy.

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North Carolina General Statutes Annotated

Chapter 90. Medicine and Allied Occupations

Article 5. North Carolina Controlled Substances Act

§ 90-91. Schedule III controlled substances

...

(h) Paregoric, U.S.P., may only be sold at retail without a prescription to a person at least 18 years of age. A pharmacist must require every retail purchaser of a paregoric, U.S.P., substance to furnish suitable identification, including proof of age when appropriate, in order to purchase paregoric, U.S.P. The name and address obtained from such identification shall be entered in the record of disposition to consumers.

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Statutory authority for the following regulation is North Carolina Code § 90.85.32 which states in part "Except as otherwise provided in this section, the Board may adopt rules governing the filling, refilling and transfer of prescription orders not inconsistent with other provisions of law regarding the distribution of drugs and devices. The rules shall assure the safe and secure distribution of drugs and devices. Prescriptions marked PRN shall not be refilled more than one year after the date issued by the prescriber unless otherwise specified."

**NORTH CAROLINA ADMINISTRATIVE CODE
TITLE 21. OCCUPATIONAL LICENSING BOARDS
CHAPTER 46. BOARD OF PHARMACY**

SECTION .1800. PRESCRIPTIONS

(a) As a precondition to filling any prescription or dispensing any drug, a pharmacist or person acting at the direction of a pharmacist may demand, inspect and record proof of identification, including valid photographic identification, from any patient presenting a prescription or any person acting on behalf of the patient. Valid photographic identification includes but is not limited to the following:

- (1) A valid motor vehicle operator's license;
- (2) A valid identification card;
- (3) A valid United States passport; or
- (4) Other valid, tamper-resistant, photographic identification.

(b) A pharmacist or person acting at the direction of a pharmacist may exercise discretion and refuse to fill any prescription or dispense any drug if unsatisfied as to the legitimacy or appropriateness of any prescription presented, the validity of any photographic identification or the identity of any patient presenting a prescription or any person acting on behalf of the patient. Refusal to fill pursuant to this Paragraph shall be noted on the prescription by the pharmacist or person acting at the direction of a pharmacist.

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Statutory authority for the following regulation is Oregon Code § 698.205, which states that “The State Board of Pharmacy shall make, adopt, amend and repeal such rules as may be deemed necessary by the board, from time to time, for the proper administration and enforcement of this chapter. Such rules shall be adopted in accordance with the procedures specified in ORS chapter 183.”

OREGON ADMINISTRATIVE RULES COMPILATION

**CHAPTER 855. BOARD OF PHARMACY
DIVISION 19. LICENSING OF PHARMACISTS
PHARMACIST PRACTICE**

855-019-0210 Duties of the Pharmacist Receiving a Prescription

...

(3) A pharmacist may refuse to dispense a prescription to any person who lacks proper identification.

State Statutes Requiring or Permitting Pharmacists to Request Identification Prior to Releasing
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Code of Laws of South Carolina 1976 Annotated

Title 44. Health

Chapter 53. Poisons, Drugs and Other Controlled Substances

Article 3. Narcotics and Controlled Substances

§ 44-53-260. Tests for inclusion of substance in Schedule V.

...

(i) Excepting a mail order prescription dispensed in compliance with Chapter 43 of Title 40 for which the dispenser requires proper identification of the recipient, a prescription for a controlled substance in Schedules II through V may not be filled unless the dispenser knows the recipient or requires the recipient to produce a government issued photo identification, and the dispenser notes the identification source and number on the prescription, or in a readily retrievable log including:

- (1) prescription number;
- (2) date prescription filled;
- (3) number and type of identification;
- (4) initials of person obtaining and recording information.

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Vernon's Texas Statutes and Codes Annotated

Health and Safety Code

Title 6. Food, Drugs, Alcohol, and Hazardous Substances

Subtitle C. Substance Abuse Regulation and Crimes

Chapter 481. Texas Controlled Substances Act

**Subchapter C. Regulation of Manufacture, Distribution, and Dispensation of Controlled Substances,
Chemical Precursors, and Chemical Laboratory Apparatus**

§ 481.074. Prescriptions

(a) A pharmacist may not:

...

(5) permit the delivery of a controlled substance to any person not known to the pharmacist, the pharmacist intern, or the person authorized by the pharmacist to deliver the controlled substance without first requiring identification of the person taking possession of the controlled substance, except as provided by Subsection (n).

...

(n) A pharmacist may permit the delivery of a controlled substance to a person not known to the pharmacist, a pharmacist intern, or the authorized delivery person without first requiring the identification of the person to whom the controlled substance is delivered if the pharmacist determines that an emergency exists and that the controlled substance is needed for the immediate well-being of the patient for whom the controlled substance is prescribed. If a pharmacist permits delivery of a controlled substance under this subsection, the pharmacist shall retain in the records of the pharmacy for a period of not less than two years all information relevant to the delivery known to the pharmacist, including the name, address, and date of birth or age of the person to whom the controlled substance is delivered.

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Annotated Code of Virginia

Title 54.1. Professions and Occupations

**Subtitle III. Professions and Occupations Regulated by Boards Within the Department of Health
Professions**

Chapter 34. Drug Control Act

Article 1. General Provisions

§ 54.1-3420.1. Identification required for filling prescriptions

Before dispensing any drug listed on Schedules II through V, a pharmacist may require proof of identity from any patient presenting a prescription or requesting a refill of a prescription.

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Statutory authority for this regulation is Wyoming Code § 35-7-1010, which states “The Wyoming state board of pharmacy in addition to any other duties imposed upon it by law is hereby designated as the agency to administer the registration of the manufacture, distribution and dispensing of controlled substances as hereinafter provided in this act. The board shall register certified animal euthanasia technicians as provided by W.S. 33-30-219, for the limited purposes of purchasing, possessing and administering euthanizing drugs as defined by W.S. 33-30-216(a)(v), and performing the duties and powers of a certified animal euthanasia technician.”

WYOMING RULES AND REGULATIONS

DEPARTMENT OF ADMINISTRATION AND INFORMATION PHARMACY, BD. OF CHAPTER 2. GENERAL PRACTICE OF PHARMACY REGULATIONS

Section 17. Identification of a Patient.

(a) The pharmacist or employee under supervision must verify the identity of the person presenting a controlled substance prescription to the pharmacy for dispensing. This may be done by visual recognition. If identity is not established by visual recognition, a driver's license or similar photo identification form is considered acceptable documentation. The following information must be recorded on the reverse of the prescription if an ID is utilized: name, type of identification, and identification number.

(b) The name of the person receiving the dispensed drug is to be recorded on the prescription document, patient profile or signature log if an agent and not the patient receives the drug.

(c) This section shall not apply to pharmacies that mail prescriptions to their patients. A note shall be entered on the prescription or patient's profile with the name and address of where the medication was mailed. Additionally, the date of such mailing shall be entered.

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