

State Prescription Fraud Provisions

Code of Alabama

§ 13A-12-212. Unlawful possession or receipt of controlled substances.

(a) A person commits the crime of unlawful possession of controlled substance if:

(1) Except as otherwise authorized, he possesses a controlled substance enumerated in Schedules I through V.

(2) He obtains by fraud, deceit, misrepresentation or subterfuge or by the alteration of a prescription or written order or by the concealment of a material fact or by the use of a false name or giving a false address, a controlled substance enumerated in Schedules I through V.

(b) Unlawful possession of a controlled substance is a Class C felony.

State Prescription Fraud Provisions

Arizona Revised Statutes Annotated

§ 13-3406. Possession, use, administration, acquisition, sale, manufacture or transportation of prescription-only drugs; classification.

A. A person shall not knowingly:

1. Possess or use a prescription-only drug unless the person obtains the prescription-only drug pursuant to a valid prescription of a prescriber who is licensed pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 21, 25 or 29 [FN1] or is similarly licensed in another state.

2. Unless the person holds a license or a permit issued pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, [FN2] 21, 25 or 29, possess a prescription-only drug for sale.

3. Unless the person holds a license or a permit issued pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, 21, 25 or 29, possess equipment and chemicals for the purpose of manufacturing a prescription-only drug.

4. Unless the person holds a license or a permit issued pursuant to title 32, chapter 18, manufacture a prescription-only drug.

5. Administer a prescription-only drug to another person whose possession or use of the prescription-only drug violates any provision of this section.

6. Obtain or procure the administration of a prescription-only drug by fraud, deceit, misrepresentation or subterfuge.

7. Unless the person is authorized, transport for sale, import into this state or offer to transport for sale or import into this state, sell, transfer or offer to sell or transfer a prescription-only drug.

B. A person who violates:

1. Subsection A, paragraph 1, 3, 4, 5 or 6 is guilty of a class 1 misdemeanor.

2. Subsection A, paragraph 2 or 7 is guilty of a class 6 felony.

C. In addition to any other penalty prescribed by this title, the court shall order a person who is

© 2007 THE NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS. 700 North Fairfax Street, Suite 306, Alexandria, VA 22314. (703) 836-6100. Current as of October 2006.

State Prescription Fraud Provisions

convicted of a violation of any provision of this section to pay a fine of one thousand dollars. A judge shall not suspend any part or all of the imposition of any fine required by this subsection.

D. A person who is convicted of a felony violation of a provision of this section for which probation or release before the expiration of the sentence imposed by the court is authorized is prohibited from using any marijuana, dangerous drug, narcotic drug or prescription-only drug except as lawfully administered by a practitioner and as a condition of any probation or release shall be required to submit to drug testing administered under the supervision of the probation department of the county or the state department of corrections, as appropriate, during the duration of the term of probation or before the expiration of the sentence imposed.

E. If a person who is convicted of a violation of a provision of subsection A, paragraph 2 or 7 is granted probation, the court shall order that as a condition of probation the person perform not less than two hundred forty hours of community restitution with an agency or organization providing counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.

State Prescription Fraud Provisions

Arizona Revised Statutes Annotated

§ 36-2531. Prohibited acts; classification.

A. It is unlawful for any person:

1. Who is subject to article 3 of this chapter [FN1] to intentionally or knowingly distribute or dispense a controlled substance in violation of § 36-2525.
2. Who is a registrant to intentionally or knowingly manufacture a controlled substance not authorized by that person's registration or to intentionally or knowingly distribute or dispense a controlled substance not authorized by that person's registration to another registrant or other authorized person.
3. To intentionally or knowingly refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this chapter.
4. To intentionally or knowingly refuse an entry into any premises for any inspection authorized by this chapter.
5. To knowingly dispense or deliver anabolic steroids without a written prescription or for a nontherapeutic use.
6. To intentionally or knowingly sell, buy, exchange or give away any preparation subject to § 36-2516, unless the preparation is to be used for a legitimate medical purpose and in compliance with this chapter.

B. Notwithstanding any other law, any person who violates any provision of subsection A of this section is guilty of a class 4 felony.

C. It is unlawful for any person intentionally or knowingly:

1. To distribute as a registrant a controlled substance classified in schedule I or II, except pursuant to an order form as required by § 36-2524.
2. To furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter.

State Prescription Fraud Provisions

D. A person who violates any provision of subsection C of this section is guilty of a class 4 felony.

E. A person shall not provide a false prescription for a controlled substance or knowingly or intentionally acquire or obtain possession of a controlled substance by means of forgery, fraud, deception or subterfuge, including the forgery or falsification of a prescription or the nondisclosure of a material fact. A person who violates this subsection is guilty of a class 4 felony.

F. Controlled substances, vehicles and items used or intended for use in violation of this chapter are subject to seizure and forfeiture in the manner provided in title 13, chapter 39. [FN2]

State Prescription Fraud Provisions

Arkansas Code Annotated

§ 20-64-217. Fraud or deceit.

(1) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug:

- (a) by fraud, deceit, misrepresentation, or subterfuge; or**
- (b) by the forgery or alteration of a prescription or of any written order; or**
- (c) by the concealment of a material fact; or**
- (d) by the use of a false name or the giving of a false address.**

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall willfully make a false statement in any prescription, order, report, or record, required by this subchapter.

(4) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of § 20-64-208, in the same way as they apply to transactions under all other sections.

State Prescription Fraud Provisions

Arkansas Code Annotated

§ 20-64-312. Forged prescriptions, etc.

(a) No person other than a person described in § 20-64-309(7) shall obtain or attempt to obtain a depressant or stimulant drug by:

- (1) Fraud, deceit, misrepresentation, or subterfuge;**
- (2) Falsely assuming the title of or representing himself to be a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy, or other persons authorized to possess stimulant or depressant drugs;**
- (3) The use of a forged or altered prescription; or**
- (4) The use of a false name or false address on a prescription.**

(b) However, this section shall not apply to drug manufacturers, their agents, or employees when the manufacturers, their agents, or employees are authorized to engage in and are actually engaged in investigative activities directed toward the safeguarding of the drug manufacturer's trademark.

State Prescription Fraud Provisions

Annotated California Codes

§ 11173. Fraud, deceit, misrepresentations.

(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

(b) No person shall make a false statement in any prescription, order, report, or record, required by this division.

(c) No person shall, for the purpose of obtaining controlled substances, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, registered nurse, physician's assistant, or other authorized person.

(d) No person shall affix any false or forged label to a package or receptacle containing controlled substances.

State Prescription Fraud Provisions

Connecticut General Statutes Annotated

§ 21a-108. Illegal obtaining or supplying of drugs. Forged labels.

(1) No person shall obtain or attempt to obtain a drug covered by subsection (k) of section 21a-106 or procure or attempt to procure the administration of such drug: (a) By fraud, deceit, misrepresentation or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false statement in any prescription, order or report required by this chapter.

(2) No person shall manufacture, possess, have under his control, sell, prescribe, administer, dispense or compound any drug covered by said subsection, except as authorized in this chapter.

(3) No person shall, for the purpose of obtaining a drug covered by said subsection, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian or other authorized person.

(4) No person shall make or utter any false or forged prescription or false or forged written order.

(5) No person shall affix any false or forged label to a package or receptacle containing any drug covered by said subsection.

State Prescription Fraud Provisions

Connecticut General Statutes Annotated

§ 21a-266. Prohibited acts.

(a) No person shall obtain or attempt to obtain a controlled substance or procure or attempt to procure the administration of a controlled substance (1) by fraud, deceit, misrepresentation or subterfuge, or (2) by the forgery or alteration of a prescription or of any written order, or (3) by the concealment of a material fact, or (4) by the use of a false name or the giving of a false address.

(b) Information communicated to a practitioner in an effort unlawfully to procure a controlled substance, or unlawfully to procure the administration of any such substance, shall not be deemed a privileged communication.

(c) No person shall wilfully make a false statement in any prescription, order, report or record required by this part.

(d) No person shall, for the purpose of obtaining a controlled substance, falsely assume the title of, or claim to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, podiatrist or other authorized person.

(e) No person shall make or utter any false or forged prescription or false or forged written order.

(f) No person shall affix any false or forged label to a package or receptacle containing controlled substances.

(g) No person shall alter an otherwise valid written order or prescription except upon express authorization of the issuing practitioner.

(h) No person who, in the course of treatment, is supplied with controlled substances or a prescription therefor by one practitioner shall, knowingly, without disclosing such fact, accept during such treatment controlled substances or a prescription therefor from another practitioner with intent to obtain a quantity of controlled substances for abuse of such substances.

(i) The provisions of subsections (a), (d) and (e) shall not apply to manufacturers of controlled substances, or their agents or employees, when such manufacturers or their authorized agents or employees are actually engaged in investigative activities directed toward safeguarding of the manufacturer's trademark, provided prior written approval for such investigative activities is obtained from the Commissioner of Consumer Protection.

State Prescription Fraud Provisions

DELAWARE CODE ANNOTATED

Title 16, § 4756. Prohibited acts; penalties.

(a) It is unlawful for any person knowingly or intentionally:

- (1) To distribute as a registrant a controlled substance classified in Schedule I or II, except pursuant to an order form as required by § 4738 of this chapter;
- (2) To use in the course of the manufacture, distribution, prescribing, dispensing or research of a controlled substance, or to use for the purpose of acquiring or obtaining a controlled substance, a registration number which is fictitious, revoked, suspended, expired or issued to another person;
- (3) To acquire or obtain or attempt to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;**
- (4) To furnish false or fraudulent material information in or omit any material information from, any application, report or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter;
- (5) To make, distribute or possess any punch, die, plate, stone or other thing designed to print, imprint or reproduce the trademark, trade name or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance;
- (6) To acquire or attempt to or obtain possession of a controlled substance by robbery, burglary or theft; or
- (7) To acquire or obtain, or attempt to acquire or obtain, possession of a substance for which a valid prescription or order of a practitioner is required, by misrepresentation, fraud, forgery, deception or subterfuge.**

(b) Any person who violates this section upon conviction shall be guilty of a class F felony.

State Prescription Fraud Provisions

Florida Statutes Annotated

499.005. Prohibited acts.

It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(1) The manufacture, repackaging, sale, delivery, or holding or offering for sale of any drug, device, or cosmetic that is adulterated or misbranded or has otherwise been rendered unfit for human or animal use.

(2) The adulteration or misbranding of any drug, device, or cosmetic.

(3) The receipt of any drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery of such drug, device, or cosmetic, for pay or otherwise.

(4) The sale, distribution, purchase, trade, holding, or offering of any drug, device, or cosmetic in violation of ss. 499.001-499.081.

(5) The dissemination of any false or misleading advertisement of a drug, device, or cosmetic.

(6) The refusal or constructive refusal:

(a) To allow the department to enter or inspect an establishment in which drugs, devices, or cosmetics are manufactured, processed, repackaged, sold, brokered, or held;

(b) To allow inspection of any record of that establishment;

(c) To allow the department to enter and inspect any vehicle that is being used to transport drugs, devices, or cosmetics; or

(d) To allow the department to take samples of any drug, device, or cosmetic.

(7) The purchase or sale of prescription drugs for wholesale distribution in exchange for currency, as defined in s. 560.103(6).

State Prescription Fraud Provisions

(8) Committing any act that causes a drug, device, or cosmetic to be a counterfeit drug, device, or cosmetic; or selling, dispensing, or holding for sale a counterfeit drug, device, or cosmetic.

(9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of a drug, device, or cosmetic, or the doing of any other act with respect to a drug, device, or cosmetic, if the act is done while the drug, device, or cosmetic is held for sale and the act results in the drug, device, or cosmetic being misbranded.

(10) Forging; counterfeiting; simulating; falsely representing any drug, device, or cosmetic; or, without the authority of the manufacturer, using any mark, stamp, tag, label, or other identification device authorized or required by rules adopted under ss. 499.001-499.081.

(11) The use, on the labeling of any drug or in any advertisement relating to such drug, of any representation or suggestion that an application of the drug is effective when it is not or that the drug complies with ss. 499.001-499.081 when it does not.

(12) The possession of any drug in violation of ss. 499.001-499.081.

(13) The sale, delivery, holding, or offering for sale of any self-testing kits designed to tell persons their status concerning human immunodeficiency virus or acquired immune deficiency syndrome or related disorders or conditions. This prohibition shall not apply to home access HIV test kits approved for distribution and sale by the United States Food and Drug Administration.

(14) The purchase or receipt of a legend drug from a person that is not authorized under this chapter to distribute legend drugs to that purchaser or recipient.

(15) The sale or transfer of a legend drug to a person that is not authorized under the law of the jurisdiction in which the person receives the drug to purchase or possess legend drugs from the person selling or transferring the legend drug.

(16) The purchase or receipt of a compressed medical gas from a person that is not authorized under this chapter to distribute compressed medical gases.

(17) The sale, purchase, or trade, or the offer to sell, purchase, or trade, a drug sample as defined in s. 499.028; the distribution of a drug sample in violation of s. 499.028; or the failure to otherwise comply with s. 499.028.

(18) Failure to maintain records as required by ss. 499.001-499.081 and rules adopted under those sections.

State Prescription Fraud Provisions

- (19) Providing the department with false or fraudulent records, or making false or fraudulent statements, regarding any matter within the provisions of this chapter.
- (20) The importation of a legend drug except as provided by s. 801(d) of the Federal Food, Drug, and Cosmetic Act [FN1].
- (21) The wholesale distribution of any prescription drug that was:
- (a) Purchased by a public or private hospital or other health care entity; or
 - (b) Donated or supplied at a reduced price to a charitable organization.
- (22) Failure to obtain a permit or registration, or operating without a valid permit when a permit or registration is required by ss. 499.001-499.081 for that activity.
- (23) Obtaining or attempting to obtain a prescription drug or device by fraud, deceit, misrepresentation or subterfuge, or engaging in misrepresentation or fraud in the distribution of a drug or device.**
- (24) The distribution of a legend device to the patient or ultimate consumer without a prescription or order from a practitioner licensed by law to use or prescribe the device.
- (25) Charging a dispensing fee for dispensing, administering, or distributing a prescription drug sample.
- (26) Removing a pharmacy's dispensing label from a dispensed prescription drug with the intent to further distribute the prescription drug.
- (27) Distributing a prescription drug that was previously dispensed by a licensed pharmacy, unless such distribution was authorized in chapter 465 or the rules adopted under chapter 465.
- (28) Failure to obtain or pass on a pedigree paper.
- (29) The receipt of a prescription drug pursuant to a wholesale distribution without either first receiving a pedigree paper that was attested to as accurate and complete by the wholesale distributor or complying with the provisions of s. 499.0121(6)(f)6.

State Prescription Fraud Provisions

Florida Statutes Annotated

831.30. Medicinal drugs; fraud in obtaining.

Whoever:

(1) Falsely makes, alters, or forges any prescription, as defined in s. 465.031(2), [FN1] for a medicinal drug other than a drug controlled by chapter 893;

**(2) Knowingly causes such prescription to be falsely made, altered, forged, or counterfeited;
or**

(3) Passes, utters or publishes such prescription or otherwise knowingly holds out such false or forged prescription as true,

with intent to obtain such drug, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent conviction shall constitute a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

State Prescription Fraud Provisions

Code of Georgia Annotated

§ 16-13-78. Obtaining or attempting to obtain regulated drugs by fraud, forgery, concealment of material fact, or use of false name or address.

(a) No person shall obtain or attempt to obtain any dangerous drug or attempt to procure the administration of any such drug by:

- (1) Fraud, deceit, misrepresentation, or subterfuge;**
- (2) The forgery or alteration of any prescription or of any written order;**
- (3) The concealment of a material fact; or**
- (4) The use of a false name or the giving of a false address.**

(b) Any person violating subsection (a) of this Code section shall be guilty of a misdemeanor.

(c) Nothing in this Code section shall apply to drug manufacturers or their agents or employees when such manufacturers or their agents or employees are authorized to engage in and are actually engaged in investigative activities directed toward the safeguarding of the manufacturer's trademark.

State Prescription Fraud Provisions

Annotated Indiana Code

16-42-19-16 Unlawful acts.

Sec. 16. A person may not do any of the following:

- (1) Obtain or attempt to obtain a legend drug or procure or attempt to procure the administration of a legend drug by any of the following:**
 - (A) Fraud, deceit, misrepresentation, or subterfuge.**
 - (B) The forgery or alteration of a prescription, drug order, or written order.**
 - (C) The concealment of a material fact.**
 - (D) The use of a false name or the giving of a false address.**
- (2) Communicate information to a physician in an effort unlawfully to procure a legend drug or unlawfully to procure the administration of a legend drug. Such a communication is not considered a privileged communication.
- (3) Intentionally make a false statement in a prescription, drug order, order, report, or record required by this chapter.
- (4) For the purpose of obtaining a legend drug, falsely assume the title of or represent oneself to be a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other person.
- (5) Make or utter a false or forged prescription or false drug order or forged written order.
- (6) Affix a false or forged label to a package or receptacle containing legend drugs. This subdivision does not apply to law enforcement agencies or their representatives while engaged in enforcing this chapter.
- (7) Dispense a legend drug except as provided in this chapter.

State Prescription Fraud Provisions

Annotated Indiana Code

35-48-4-14 Offenses relating to registration labeling and prescription forms.

Sec. 14. (a) A person who:

- (1) is subject to IC 35-48-3 and who recklessly, knowingly, or intentionally distributes or dispenses a controlled substance in violation of IC 35-48-3;
- (2) is a registrant and who recklessly, knowingly, or intentionally:
 - (A) manufactures; or
 - (B) finances the manufacture of;a controlled substance not authorized by his registration or distributes or dispenses a controlled substance not authorized by his registration to another registrant or other authorized person;
- (3) recklessly, knowingly, or intentionally fails to make, keep, or furnish a record, a notification, an order form, a statement, an invoice, or information required under this article; or
- (4) recklessly, knowingly, or intentionally refuses entry into any premises for an inspection authorized by this article;

commits a Class D felony.

(b) A person who knowingly or intentionally:

- (1) distributes as a registrant a controlled substance classified in schedule I or II, except under an order form as required by IC 35-48-3;
- (2) uses in the course of the:
 - (A) manufacture of;
 - (B) the financing of the manufacture of; or
 - (C) distribution of;a controlled substance a federal or state registration number that is fictitious, revoked, suspended, or issued to another person;
- (3) furnishes false or fraudulent material information in, or omits any material information from, an application, report, or other document required to be kept or filed under this article; or
- (4) makes, distributes, or possesses a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or a likeness of any of the foregoing on a drug or container or labeling thereof so as to render the drug a counterfeit substance;

commits a Class D felony.

(c) A person who knowingly or intentionally acquires possession of a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription order, concealment of a material fact, or use of a false name or false address commits a Class D felony. However, the offense is a Class C felony if the person has a prior conviction of an offense under this subsection.

(d) A person who knowingly or intentionally affixes any false or forged label to a package or

State Prescription Fraud Provisions

receptacle containing a controlled substance commits a Class D felony. However, the offense is a Class C felony if the person has a prior conviction of an offense under this subsection. This subsection does not apply to law enforcement agencies or their representatives while engaged in enforcing IC 16-42-19 or this chapter (or IC 16-6-8 before its repeal).

(e) A person who duplicates, reproduces, or prints any prescription pads or forms without the prior written consent of a practitioner commits a Class D felony. However, the offense is a Class C felony if the person has a prior conviction of an offense under this subsection. This subsection does not apply to the printing of prescription pads or forms upon a written, signed order placed by a practitioner or pharmacist, by legitimate printing companies.

State Prescription Fraud Provisions

Iowa Code Annotated

155A.23. Prohibited acts.

A person shall not perform or cause the performance of or aid and abet any of the following acts:

1. Obtaining or attempting to obtain a prescription drug or device or procuring or attempting to procure the administration of a prescription drug or device by:

a. Engaging in fraud, deceit, misrepresentation, or subterfuge.

b. Forging or altering a written, electronic, or facsimile prescription or any written, electronic, or facsimile order.

c. Concealing a material fact.

d. Using a false name or giving a false address.

2. Willfully making a false statement in any prescription, report, or record required by this chapter.

3. For the purpose of obtaining a prescription drug or device, falsely assuming the title of or claiming to be a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, podiatric physician, veterinarian, or other authorized person.

4. Making or uttering any false or forged oral, written, electronic, or facsimile prescription or oral, written, electronic, or facsimile order.

5. Forging, counterfeiting, simulating, or falsely representing any drug or device without the authority of the manufacturer, or using any mark, stamp, tag, label, or other identification device without the authorization of the manufacturer.

6. Manufacturing, repackaging, selling, delivering, or holding or offering for sale any drug or device that is adulterated, misbranded, counterfeit, suspected of being counterfeit, or that has otherwise been rendered unfit for distribution.

State Prescription Fraud Provisions

7. Adulterating, misbranding, or counterfeiting any drug or device.

8. Receiving any drug or device that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected of being counterfeit, and delivering or proffering delivery of such drug or device for pay or otherwise.

9. Adulterating, mutilating, destroying, obliterating, or removing the whole or any part of the labeling of a drug or device or committing any other act with respect to a drug or device that results in the drug or device being misbranded.

10. Purchasing or receiving a drug or device from a person who is not licensed to distribute the drug or device to that purchaser or recipient.

11. Selling or transferring a drug or device to a person who is not authorized under the law of the jurisdiction in which the person receives the drug or device to purchase or possess the drug or device from the person selling or transferring the drug or device.

12. Failing to maintain or provide records as required by this chapter, chapter 124, or rules of the board.

13. Providing the board or any of its representatives or any state or federal official with false or fraudulent records or making false or fraudulent statements regarding any matter within the scope of this chapter, chapter 124, or rules of the board.

14. Distributing at wholesale any drug or device that meets any of the following conditions:
 - a. The drug or device was purchased by a public or private hospital or other health care entity.

 - b. The drug or device was donated or supplied at a reduced price to a charitable organization.

 - c. The drug or device was purchased from a person not licensed to distribute the drug or device.

 - d. The drug or device was stolen or obtained by fraud or deceit.

15. Failing to obtain a license or operating without a valid license when a license is required pursuant to this chapter or chapter 147.

16. Engaging in misrepresentation or fraud in the distribution of a drug or device.

State Prescription Fraud Provisions

17. Distributing a drug or device to a patient without a prescription drug order or medication order from a practitioner licensed by law to use or prescribe the drug or device.

18. Distributing a drug or device that was previously dispensed by a pharmacy or distributed by a practitioner except as provided by rules of the board.

19. Failing to report any prohibited act.

Information communicated to a physician in an unlawful effort to procure a prescription drug or device or to procure the administration of a prescription drug shall not be deemed a privileged communication.

Subsections 6 and 7 shall not apply to the wholesale distribution by a manufacturer of a prescription drug or device that has been delivered into commerce pursuant to an application approved by the federal food and drug administration.

State Prescription Fraud Provisions

KANSAS STATUTES ANNOTATED

§ 21-4214. Obtaining a prescription-only drug by fraudulent means.

(a) Obtaining a prescription-only drug by fraudulent means is the:

(1) Making, altering or signing of a prescription order by a person other than a practitioner or a mid-level practitioner; or

(2) delivery of a prescription order, knowing it to have been made, altered or signed by a person other than a practitioner or a mid-level practitioner; or

(3) possession of a prescription order with intent to deliver it and knowing it to have been made, altered or signed by a person other than a practitioner or a mid-level practitioner; or

(4) possession of a prescription-only drug knowing it to have been obtained pursuant to a prescription order made, altered or signed by a person other than a practitioner or a mid-level practitioner; or

(5) providing false information to a practitioner or mid-level practitioner for the purpose of obtaining a prescription-only drug.

(b) (1) Obtaining a prescription-only drug by fraudulent means is a class A nonperson misdemeanor for the first offense.

(2) Obtaining a prescription-only drug by fraudulent means is a severity level 9, nonperson felony for a second or subsequent offense.

(c) As used in this section:

(1) 'Pharmacist,' 'practitioner,' 'mid-level practitioner' and 'prescription-only drug' shall have the meanings ascribed thereto by K.S.A. 65-1626 and amendments thereto.

(2) 'Prescription order' means a written, oral or telephonic order for a prescription-only drug to be filled by a pharmacist. 'Prescription order' does not mean a drug dispensed pursuant to such an order.

(d) The provisions of this section shall not be applicable to prosecutions involving prescription-only drugs which could be brought under the uniform controlled substances act and to which the provisions of K.S.A. 65-4127a or 65-4127b, or 65-4160 through 65-4164 and amendments thereto, would be applicable.

(e) This section shall be part of and supplemental to the Kansas criminal code.

State Prescription Fraud Provisions

Louisiana Statutes Annotated

§ 971. Prohibited acts; all schedules.

A. (1) It shall be unlawful for any person:

(a) Who is subject to the requirements of this part to distribute or dispense a controlled dangerous substance in violation of this part; or

(b) Who is a licensee to manufacture, distribute, or dispense a controlled dangerous substance to another licensee or other authorized person not authorized by his license; or

(c) To omit, remove, alter, or obliterate a symbol required by the Uniform Controlled Dangerous Substances Law; or

(d) To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice or information required under this part; or

(e) To refuse entry into any premise for inspection as authorized by this part; or

(f) To keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is frequented by persons using controlled dangerous substances in violation of this part for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this part.

(2) Any person who violates this subsection shall be fined not more than fifteen thousand dollars. Such proceeding shall be independent, and not in lieu of, other proceedings under this part or any other law of this state. If the violation is prosecuted by a bill of information or an indictment which alleges that the violation was committed knowingly or intentionally, such person, upon conviction, shall be imprisoned for not more than six months; and, in addition, may be sentenced to pay a fine of not more than five hundred dollars.

B. (1) It shall be unlawful for any person knowingly or intentionally:

(a) To use in the course of the manufacture or distribution of a controlled dangerous substance a license number which is fictitious, revoked, suspended or issued to another person; or

(b) To acquire or obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception or subterfuge; or

State Prescription Fraud Provisions

- (c) To furnish false or fraudulent material, information in any application, report or other document required to be kept by this part.
- (d) To make, distribute, or possess any punch, die, plate, stone or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another of any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance; or
- (e) To alter any controlled dangerous substance obtained by prescription without prior approval of the department; or
- (f) To alter any prescription for a controlled dangerous substance; provided that this shall not apply to the person issuing the original prescription or the pharmacist pursuant to instructions from the physician; or
- (g) To obtain or attempt to obtain a prescription or prescription blank form from a doctor, dentist, or veterinarian for a controlled dangerous substance and/or legend drug by fraud, theft, misrepresentation, deception or subterfuge.**
- (h) To possess a prescription for a controlled dangerous substance and/or legend drugs without the express consent of the party for whom such prescription was written. For the purposes hereof a legend drug is any drug or drug product bearing on the label of the manufacturer or distributor as required by the Federal Food and Drug Administration the statement "Caution: Federal law prohibits dispensing without prescription."
- (2) Any person who violates this subsection shall be imprisoned, with or without hard labor, for not more than five years; and, in addition may be sentenced to pay a fine of not more than five thousand dollars.
- C. (1) It shall be unlawful for a person, including a physician, dentist, podiatrist, or veterinarian, to prescribe, dispense, or administer legally controlled substances beyond his respective prescribing authority or for a purpose other than accepted medical treatment of a disease, condition, or illness.
- (2) It shall be unlawful for a pharmacist to dispense legally controlled substances beyond his dispensing authority.
- (3) Any person who violates this Subsection shall be subject to the penalties as established for the controlled dangerous substance and the particular criminal act committed in R.S. 40:966 through 967.

State Prescription Fraud Provisions

D. Every practitioner, as defined in R.S. 40:961, may, if he has a good faith belief that a crime has been committed on the premises, notify local law enforcement authorities when it is believed that an individual has obtained a fraudulent prescription for any controlled dangerous substance or any person has attempted to obtain a fraudulent prescription for any controlled dangerous substance.

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.

State Prescription Fraud Provisions

Annotated Code of Maryland

§ 5-601. Possessing or administering controlled dangerous substance.

In general

(a) Except as otherwise provided in this title, a person may not:

(1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) the counterfeiting or alteration of a prescription or a written order;

(iii) the concealment of a material fact;

(iv) the use of a false name or address;

(v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(vi) making, issuing, or presenting a false or counterfeit prescription or written order.

Information not privileged

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

Penalty

(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both.

(2) A person whose violation of this section involves the use or possession of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(3)(i) In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

(ii) Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, on conviction of a violation of this section, the maximum penalty that the court may impose on the person is a fine not exceeding \$100.

State Prescription Fraud Provisions

Annotated Code of Maryland

§ 8-610. Counterfeiting prescription.

"Prescription" defined

(a) In this section, "prescription" includes an order, paper, and recipe purported to have been made by an authorized provider, as defined in § 5-101 of this article, for a drug, medicine, or alcoholic beverage.

Prohibited

(b) A person may not:

- (1) knowingly counterfeit, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting a prescription;
- (2) knowingly issue, pass, or possess a counterfeit prescription; or
- (3) obtain or attempt to obtain a prescription drug by fraud, deceit, or misrepresentation.**

Penalty

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years.

Prohibited defense

(d) Payment or an offer or promise to pay for a drug, medicine, or alcoholic beverage obtained in violation of this section is not a defense to a violation of this section.

State Prescription Fraud Provisions

Massachusetts General Laws Annotated

§ 33. Unlawful use of registration numbers in manufacture or distribution, or fraudulently obtaining possession, of controlled substances; criminal penalties.

(a) No person shall knowingly or intentionally use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person.

(b) No person shall utter a false prescription for a controlled substance, nor knowingly or intentionally acquire or obtain possession of a controlled substance by means of forgery, fraud, deception or subterfuge, including but not limited to the forgery or falsification of a prescription or the nondisclosure of a material fact in order to obtain a controlled substance from a practitioner.

(c) Whoever violates any provision of this section shall be punished by imprisonment in the state prison for not more than four years or in a house of correction for not more than two and one half years or by a fine of not more than twenty thousand dollars, or by both such fine and imprisonment. Whoever violates any provision of this section after one or more prior convictions of a violation of this section, or of a felony under any other provision of this chapter, or under a provision of prior law relative to the sale or manufacture of a narcotic drug or a harmful drug as defined in said earlier law shall be punished by imprisonment in the state prison for not more than eight years or in a jail or house of correction for not more than two and one half years, or by a fine of not more than thirty thousand dollars or by both such fine and imprisonment.

State Prescription Fraud Provisions

Annotated Mississippi Code

§ 41-29-144. Misrepresentation, fraud and forgery.

(1) It is unlawful for any person knowingly or intentionally to acquire or obtain possession or attempt to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge.

(2) It is unlawful for any person knowingly or intentionally to possess, sell, deliver, transfer or attempt to possess, sell, deliver or transfer a false, fraudulent or forged prescription of a practitioner.

(3) Any person who violates this section is guilty of a crime and upon conviction shall be confined for not less than one (1) year nor more than five (5) years and fined not more than one thousand dollars (\$1,000.00) or both.

State Prescription Fraud Provisions

MONTANA CODE ANNOTATED

§ 45-9-104. Fraudulently obtaining dangerous drugs.

A person commits the offense of fraudulently obtaining dangerous drugs if he obtains or attempts to obtain a dangerous drug, as defined in 50-32-101, by:

- (1) fraud, deceit, misrepresentation, or subterfuge;**
- (2) falsely assuming the title of or representing himself to be a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy, or other person authorized to possess dangerous drugs;**
- (3) the use of a forged, altered, or fictitious prescription;**
- (4) the use of a false name or a false address on a prescription; or**
- (5) the concealment of a material fact.**

State Prescription Fraud Provisions

NEBRASKA REVISED STATUTES

§ 71-7461. Unlawful acts.

It is unlawful for any person to commit or to permit, cause, aid, or abet the commission of any of the following acts in this state:

- (1) Any violation of the Wholesale Drug Distributor Licensing Act or rules and regulations adopted and promulgated under the act;
- (2) Providing the department, any of its representatives, or any federal official with false or fraudulent records or making false or fraudulent statements regarding any matter under the act;
- (3) Obtaining or attempting to obtain a prescription drug by fraud, deceit, or misrepresentation or engaging in misrepresentation or fraud in the distribution of a prescription drug;**
- (4) Except for the wholesale distribution by manufacturers of a prescription drug that has been delivered into commerce pursuant to an application approved under federal law by the federal Food and Drug Administration, the manufacture, repackaging, sale, transfer, delivery, holding, or offering for sale of any prescription drug that is adulterated, misbranded, counterfeit, suspected of being counterfeit, or otherwise rendered unfit for distribution;
- (5) Except for the wholesale distribution by manufacturers of a prescription drug that has been delivered into commerce pursuant to an application approved under federal law by the federal Food and Drug Administration, the adulteration, misbranding, or counterfeiting of any prescription drug;
- (6) The receipt of any prescription drug that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected of being counterfeit, and the delivery or proffered delivery of such drug for pay or otherwise; and
- (7) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of a prescription drug or the commission of any other act with respect to a prescription drug that results in the prescription drug being misbranded.

State Prescription Fraud Provisions

Nevada Revised Statutes Annotated

§ 453.331. Unlawful acts relating to distribution of certain controlled substances by registrants, use of unauthorized registration number and possession of signed blank prescription forms; certain fraudulent acts prohibited; penalty.

1. It is unlawful for a person knowingly or intentionally to:

(a) Distribute as a registrant a controlled substance classified in schedule I or II, except pursuant to an order form as required by NRS 453.251;

(b) Use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended or issued to another person;

(c) Assume falsely the title of or represent himself as a registrant or other person authorized to possess controlled substances;

(d) Acquire or obtain or attempt to acquire or obtain possession of a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge or alteration;

(e) Furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under the provisions of NRS 453.011 to 453.552, inclusive, or any record required to be kept by those sections;

(f) Sign the name of a fictitious person or of another person on any prescription for a controlled substance or falsely make, alter, forge, utter, publish or pass, as genuine, any prescription for a controlled substance;

(g) Make, distribute or possess any punch, die, plate, stone or other thing designed to print, imprint or reproduce the trade-mark, trade name or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance;

(h) Possess prescription blanks which have been signed before being filled out; or

(i) Make a false representation to a pharmacist for the purpose of obtaining a controlled substance for which a prescription is required.

State Prescription Fraud Provisions

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

State Prescription Fraud Provisions

Nevada Revised Statutes Annotated

454.311. Fraudulent possession of dangerous drug or prescription; false or altered prescription; penalty.

1. A person, other than a peace officer or inspector of the board in the performance of his official duty, who knowingly or intentionally obtains or attempts to obtain possession of a dangerous drug or a prescription for a dangerous drug by misrepresentation, fraud, forgery, deception, subterfuge or alteration is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A person who knowingly has in his possession any false, fictitious, forged or altered prescription for a dangerous drug is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A person who knowingly:

(a) Receives any dangerous drug from, or has in his possession or under his control any dangerous drug obtained by, another person as a result of any forged, false, fictitious or altered prescription; or

(b) Fills a prescription which is not genuine, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

State Prescription Fraud Provisions

Revised Statutes Annotated of the State of New Hampshire

§ 318:52-a Fraud or Deceit.

It is unlawful to obtain or attempt to obtain a drug or device sold by prescription of a physician, dentist, veterinarian, or advanced registered nurse practitioner that bears a statement that it is to be dispensed or sold only by or on the prescription of a physician, dentist, veterinarian, or advanced registered nurse practitioner by (a) fraud, deceit, misrepresentation or subterfuge; (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) the use of a false name or the giving of a false address.

State Prescription Fraud Provisions

New Mexico Statutes Annotated

§ 26-1-22. Unlawful means of obtaining dangerous drugs enumerated.

It shall be unlawful for any person to obtain or attempt to obtain any dangerous drug or to procure or attempt to procure the administration of any dangerous drugs other than a controlled substance:

- A. by fraud, deceit, misrepresentation or subterfuge; or**
- B. by forgery or alteration of a prescription or of any written order; or**
- C. by the concealment of a material fact; or**
- D. by the use of a false name or the giving of a false name or the giving of a false address.**

State Prescription Fraud Provisions

Mckinney's Consolidated Laws of New York Annotated

§ 3397. Fraud and deceit.

1. No person shall:

(a) obtain or attempt to obtain a controlled substance, a prescription for a controlled substance or an official New York State prescription form,

(i) by fraud, deceit, misrepresentation or subterfuge; or

(ii) by the concealment of a material fact; or

(iii) by the use of a false name or the giving of a false address;

(b) wilfully make a false statement in any prescription, order, application, report or record required by this article;

(c) falsely assume the title of, or represent himself to be a licensed manufacturer, distributor, pharmacy, pharmacist, practitioner, researcher, approved institutional dispenser, or other authorized person, for the purpose of obtaining a controlled substance;

(d) make or utter any false or forged prescription or false or forged written order;

(e) affix any false or forged label to a package or receptacle containing controlled substances; or

(f) imprint on or affix to any controlled substance a false or forged code number or symbol.

2. Possession of a false or forged prescription for a controlled substance by any person other than a pharmacist in the lawful pursuance of his profession shall be presumptive evidence of his intent to use the same for the purpose of illegally obtaining a controlled substance.

3. Possession of a blank official New York state prescription form by any person to whom it was not lawfully issued shall be presumptive evidence of such person's intent to use same for the purpose of illegally obtaining a controlled substance.

4. Any person who, in the course of treatment, is supplied with a controlled substance or a

State Prescription Fraud Provisions

prescription therefor by one practitioner and who, without disclosing the fact, is supplied during such treatment with a controlled substance or a prescription therefor by another practitioner shall be guilty of a violation of this article.

State Prescription Fraud Provisions

Oklahoma Statutes Annotated

Title 63, § 2-407. Prohibited acts G—Penalties.

A. No person shall obtain or attempt to obtain any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in a manner inconsistent with the provisions of paragraph 1 of subsection B of Section 2-313 of this title, or a controlled dangerous substance or procure or attempt to procure the administration of a controlled dangerous substance:

- 1. By fraud, deceit, misrepresentation, or subterfuge;**
- 2. By the forgery of, alteration of, adding any information to or changing any information on a prescription or of any written order;**
- 3. By the concealment of a material fact; or**
- 4. By the use of a false name or the giving of a false address.**

B. Except as authorized by this act, a person shall not manufacture, create, deliver, or possess with intent to manufacture, create, or deliver or possess a prescription form, an original prescription form, or a counterfeit prescription form. This shall not apply to the legitimate manufacture or delivery of prescription forms, or a person acting as an authorized agent of the practitioner.

C. Information communicated to a physician in an effort unlawfully to procure a controlled dangerous substance, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

D. Any person who violates this section is guilty of a felony punishable by imprisonment for not more than ten (10) years, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. A second or subsequent offense under this section is a felony punishable by imprisonment for not less than four (4) years nor more than twenty (20) years, by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment.

E. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

F. Any person convicted of any offense described in this section shall, in addition to any fine

State Prescription Fraud Provisions

imposed, pay a special assessment trauma-care fee of One Hundred Dollars (\$100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

State Prescription Fraud Provisions

General Laws of Rhode Island Annotated

§ 21-28-4.05. Prohibited acts E--False representations to obtain controlled substances.

(a) No person shall obtain or attempt to obtain a controlled substance or procure or attempt to procure the administration of a controlled substance:

- (1) By fraud, deceit, misrepresentation, or subterfuge;**
- (2) By the forgery or alteration of a prescription or of any written order;**
- (3) By the concealment of material fact; or**
- (4) By the use of a false name or the giving of a false address.**

(b) Information communicated to a physician in an unlawful effort to procure the administration of a controlled substance shall not be deemed a privileged communication.

(c) No person shall willfully make a false statement in any prescription, order, report, or record, required by this chapter.

(d) No person shall, for the purpose of obtaining a controlled substance, falsely assume the title of, or represent himself or herself to be, a manufacturer, wholesaler, practitioner, or other authorized person.

(e) No person shall make or utter any false or forged prescription or false or forged written order for controlled substances.

(f) No person shall affix any false or forged label to a package or receptacle containing controlled substances.

(g) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than five (5) years, and fined not more than ten thousand dollars (\$10,000), or both.

State Prescription Fraud Provisions

Code of Laws of South Carolina

§ 44-53-40. Obtaining certain drugs, devices, preparations or compounds by fraud, deceit, or the like.

(A) It is unlawful for a person to obtain or attempt to obtain a drug or device as defined by Section 39-23-20, or any pharmaceutical preparation, chemical, or chemical compound that is restricted in regard to its sale at retail by:

- (1) fraud, deceit, misrepresentation, or subterfuge;**
- (2) forgery or alteration of a prescription;**
- (3) falsification in any manner of any record of sale required by law;**
- (4) use of a false name or the giving of a false address;**
- (5) concealment of a material fact; or**
- (6) falsely assuming the title of or representing himself to be a person authorized by the laws of this State to possess such drugs, pharmaceutical preparations, chemicals, chemical compound, or devices.**

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than two years, or both for a first offense. Conviction for a second or subsequent offense, is a felony and the person must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

A person must not be convicted of a criminal offense under this section unless it is shown by clear and convincing evidence that the drug, pharmaceutical preparation, chemical, chemical compound, or device would not have been obtained but for the fraud, deceit, misrepresentation, subterfuge, forgery, alteration, falsification, concealment, or other prohibited act allegedly practiced by the accused.

State Prescription Fraud Provisions

Texas Statutes and Codes Annotated

Title 6, § 481.129. Offense: Fraud.

(a) A person commits an offense if the person knowingly:

(1) distributes as a registrant or dispenser a controlled substance listed in Schedule I or II, unless the person distributes the controlled substance under an order form as required by Section 481.069;

(2) uses in the course of manufacturing, prescribing, or distributing a controlled substance a registration number that is fictitious, revoked, suspended, or issued to another person;

(3) issues a prescription bearing a forged or fictitious signature;

(4) uses a prescription issued to another person to prescribe a Schedule II controlled substance;

(5) possesses, obtains, or attempts to possess or obtain a controlled substance or an increased quantity of a controlled substance:

(A) by misrepresentation, fraud, forgery, deception, or subterfuge;

(B) through use of a fraudulent prescription form; or

(C) through use of a fraudulent oral or telephonically communicated prescription; or

(6) furnishes false or fraudulent material information in or omits material information from an application, report, record, or other document required to be kept or filed under this chapter.

(b) A person commits an offense if the person knowingly or intentionally:

(1) makes, distributes, or possesses a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce an actual or simulated trademark, trade name, or other identifying mark, imprint, or device of another on a controlled substance or the container or label of a container for a controlled substance, so as to make the controlled substance a counterfeit substance; or

(2) manufactures, delivers, or possesses with intent to deliver a counterfeit substance.

(c) A person commits an offense if the person knowingly or intentionally:

(1) delivers a prescription or a prescription form for other than a valid medical purpose in the course of professional practice; or

(2) possesses a prescription for a controlled substance or a prescription form unless the prescription or prescription form is possessed:

(A) during the manufacturing or distribution process;

(B) by a practitioner, practitioner's agent, or an institutional practitioner for a valid medical purpose during the course of professional practice;

(C) by a pharmacist or agent of a pharmacy during the professional practice of pharmacy;

(D) under a practitioner's order made by the practitioner for a valid medical purpose in the course of professional practice; or

(E) by an officer or investigator authorized to enforce this chapter within the scope of the officer's or investigator's official duties.

(d) An offense under Subsection (a) is:

(1) a felony of the second degree if the controlled substance that is the subject of the offense is listed in Schedule I or II;

State Prescription Fraud Provisions

- (2) a felony of the third degree if the controlled substance that is the subject of the offense is listed in Schedule III or IV; and
- (3) a Class A misdemeanor if the controlled substance that is the subject of the offense is listed in Schedule V.

(e) An offense under Subsection (b) is a Class A misdemeanor.

(f) An offense under Subsection (c)(1) is:

- (1) a felony of the second degree if the defendant delivers:
 - (A) a prescription form; or
 - (B) a prescription for a controlled substance listed in Schedule II; and
- (2) a felony of the third degree if the defendant delivers a prescription for a controlled substance listed in Schedule III, IV, or V.

(g) An offense under Subsection (c)(2) is:

- (1) a state jail felony if the defendant possesses:
 - (A) a prescription form; or
 - (B) a prescription for a controlled substance listed in Schedule II or III; and
- (2) a Class B misdemeanor if the defendant possesses a prescription for a controlled substance listed in Schedule IV or V.

State Prescription Fraud Provisions

Texas Statutes and Codes Annotated

§ 483.045. Forging or Altering Prescription.

(a) A person commits an offense if the person:

- (1) forges a prescription or increases the prescribed quantity of a dangerous drug in a prescription;
- (2) issues a prescription bearing a forged or fictitious signature;
- (3) obtains or attempts to obtain a dangerous drug by using a forged, fictitious, or altered prescription;**
- (4) obtains or attempts to obtain a dangerous drug by means of a fictitious or fraudulent telephone call; or**
- (5) possesses a dangerous drug obtained by a forged, fictitious, or altered prescription or by means of a fictitious or fraudulent telephone call.**

(b) An offense under this section is a Class B misdemeanor unless it is shown on the trial of the defendant that the defendant has previously been convicted of an offense under this chapter, in which event the offense is a Class A misdemeanor.

State Prescription Fraud Provisions

VERMONT STATUTES ANNOTATED

Title 18, § 4223 Fraud or deceit.

(a) No person shall obtain or attempt to obtain a regulated drug, or procure or attempt to procure the administration of a regulated drug, (1) by fraud, deceit, misrepresentation, or subterfuge; (2) by the forgery or alteration of a prescription or of any written order; (3) by the concealment of a material fact; or (4) by the use of a false name or the giving of a false address.

(b) Information communicated to a physician in an effort unlawfully to procure a regulated drug or unlawfully to procure the administration of any such drug shall not be deemed a privileged communication.

(c) No person shall wilfully make a false statement in, or fail to prepare or obtain or keep, or refuse the inspection or copying under this chapter of, any prescription, order, report or record required by this chapter.

(d) No person shall, for the purpose of obtaining a regulated drug, falsely assume the title of, or represent himself to be a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other authorized person.

(e) No person shall make or utter any false or forged prescription or false or forged written order.

(f) No person shall affix any false or forged label to a package or receptacle containing regulated drugs.

(g) The provisions of this section shall apply to all transactions relating to amounts or types of drugs excepted from the provisions of this chapter by regulation of the board of health under section 4204 of this title, in the same way as they apply to transactions relating to any other regulated drug.

(h) Any person who in the course of treatment, is supplied with regulated drugs or a prescription therefor by one physician and who, without disclosing the fact, is knowingly supplied during such treatment with regulated drugs or a prescription therefor by another physician, shall be guilty of a violation of this section.

(i) A person who violates this section shall be imprisoned not more than two years and one day or fined not more than \$5,000.00, or both.-- 1967, No. 343 (Adj. Sess.), § 23, eff. March 23, 1968; amended 1989, No. 100, § 12.

State Prescription Fraud Provisions

Annotated Code of Virginia

§ 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit or forgery.

A. It shall be unlawful for any person to obtain or attempt to obtain any drug or procure or attempt to procure the administration of any controlled substance or marijuana: (i) by fraud, deceit, misrepresentation, embezzlement, or subterfuge; or (ii) by the forgery or alteration of a prescription or of any written order; or (iii) by the concealment of a material fact; or (iv) by the use of a false name or the giving of a false address.

B. It shall be unlawful for any person to furnish false or fraudulent information in or omit any information from, or willfully make a false statement in, any prescription, order, report, record, or other document required by Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1.

C. It shall be unlawful for any person to use in the course of the manufacture or distribution of a controlled substance or marijuana a license number which is fictitious, revoked, suspended, or issued to another person.

D. It shall be unlawful for any person, for the purpose of obtaining any controlled substance or marijuana, to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other authorized person.

E. It shall be unlawful for any person to make or utter any false or forged prescription or false or forged written order.

F. It shall be unlawful for any person to affix any false or forged label to a package or receptacle containing any controlled substance.

G. This section shall not apply to officers and employees of the United States, of this Commonwealth or of a political subdivision of this Commonwealth acting in the course of their employment, who obtain such drugs for investigative, research or analytical purposes, or to the agents or duly authorized representatives of any pharmaceutical manufacturer who obtain such drugs for investigative, research or analytical purposes and who are acting in the course of their employment; provided that such manufacturer is licensed under the provisions of the Federal Food, Drug and Cosmetic Act; and provided further, that such pharmaceutical manufacturer, its agents and duly authorized representatives file with the Board such information as the Board may deem appropriate.

H. Except as otherwise provided in this subsection, any person who shall violate any provision herein shall be guilty of a Class 6 felony.

State Prescription Fraud Provisions

Whenever any person who has not previously been convicted of any offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed, or reduced as provided in this section, pleads guilty to or enters a plea of not guilty to the court for violating this section, upon such plea if the facts found by the court would justify a finding of guilt, the court may place him on probation upon terms and conditions.

As a term or condition, the court shall require the accused to be evaluated and enter a treatment and/or education program, if available, such as, in the opinion of the court, may be best suited to the needs of the accused. This program may be located in the judicial circuit in which the charge is brought or in any other judicial circuit as the court may provide. The services shall be provided by a program certified or licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, evaluation, testing and education, based upon the person's ability to pay unless the person is determined by the court to be indigent.

As a condition of supervised probation, the court shall require the accused to remain drug free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug free. Such testing may be conducted by the personnel of any screening, evaluation, and education program to which the person is referred or by the supervising agency.

Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report to the original arresting law-enforcement agency to submit to fingerprinting.

Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony and proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall find the defendant guilty of a Class 1 misdemeanor.

State Prescription Fraud Provisions

Code of Washington Annotated

§ 69.41.020. Prohibited acts--Information not privileged communication.

Legend drugs shall not be sold, delivered, dispensed or administered except in accordance with this chapter.

(1) No person shall obtain or attempt to obtain a legend drug, or procure or attempt to procure the administration of a legend drug:

(a) By fraud, deceit, misrepresentation, or subterfuge; or

(b) By the forgery or alteration of a prescription or of any written order; or

(c) By the concealment of a material fact; or

(d) By the use of a false name or the giving of a false address.

(2) Information communicated to a practitioner in an effort unlawfully to procure a legend drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall willfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a legend drug, falsely assume the title of, or represent himself or herself to be, a manufacturer, wholesaler, or any practitioner.

(5) No person shall make or utter any false or forged prescription or other written order for legend drugs.

(6) No person shall affix any false or forged label to a package or receptacle containing legend drugs.

(7) No person shall willfully fail to maintain the records required by RCW 69.41.042 and *69.41.270.

State Prescription Fraud Provisions

(8) A violation of this section is a class B felony punishable according to chapter 9A.20 RCW.