

NAMSDL



National Alliance for Model State Drug Laws

**State Monitoring of Prescription Drugs and Methamphetamine Precursors
Bill Status Update
January 2009**

This update includes summaries of bills related to electronic tracking systems for retail sales of ephedrine and pseudoephedrine products.

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Please Note: The first portion of this report provides a listing of all relevant bills and resolutions and each measure's status in its respective legislature. The second portion provides more detailed summaries of bills and resolutions that have progressed significantly through the legislative process (i.e. have passed at least one body of a state legislature, are in a conference committee, have been sent to a governor, are approved/enacted). Enacted measures that do not require detailed summaries (such as appropriations bills) are ONLY included in the first section of this report.

ARKANSAS

- SB 23 – Second House Reading (1/12/09) – Establishes the “Prescription Monitoring Program Act,” for monitoring the prescribing and dispensing of all Schedule II and III narcotics.

FLORIDA

- HB 145 – In Health Care Regulation Policy Committee(1/22/09) – Exempts from public records requirements information & records reported to the Department of Health under the state's electronic monitoring system for dispensing of certain controlled substances
- HB 143 – In Health Care Regulation Policy Committee (1/22/09) – Requires the Department of Health to establish an electronic system to monitor dispensing of certain controlled substances & biometric identifiers of recipients.
- SB 462 – Referred to Health Regulation; Judiciary; Governmental Oversight and Accountability; Health and Human Services; Appropriations (1/15/09) – Requires the Agency for Health Care Administration to establish a statewide, comprehensive electronic system to monitor the prescribing and dispensing of controlled substances listed in Schedule II, Schedule III, or Schedule IV.
- SB 440 – Referred to Health Regulation; Governmental Oversight and Accountability; Rules (1/15/09) – Exempts from public records requirements information and records reported to the Agency for Health Care Administration under the electronic-monitoring system for the tracking of prescriptions of controlled substances listed in Schedules II-IV.
- HB 583 – Filed (1/21/09) – Requires the Department of Health to establish a comprehensive electronic system to monitor dispensing of certain controlled substances.
- SB 614 – Referred to Health Regulation; Criminal Justice; Governmental Oversight and Accountability; Health and Human Services Appropriations (1/23/09) – Requires the Department of Health to establish a comprehensive electronic system to monitor the dispensing of certain controlled substances and to collect biometric identifiers of recipients.

FLORIDA Continued

- SB 612 – Referred to Health Regulation; Criminal Justice; Governmental Oversight and Accountability; Rules (1/23/09) – Exempts from public records requirements information and records reported to the Department of Health under the electronic system for monitoring the dispensing of certain controlled substances.
- HB 585 – Filed (1/21/09) - Exempts from public records requirements information & records reported to the Department of Health under the electronic system for monitoring dispensing of certain controlled substances.

GEORGIA

- HB 273 – Second Reading in House (2/4/09) – Establishes the Georgia Prescription Monitoring Program Act to monitor the prescribing and dispensing of Schedule II through V controlled substances.

HAWAII

- HB 192 – Referred to Health and Consumer Protection; Commerce (1/26/09) – Prohibits the use, transfer, licensing or sale of a patient's prescription information for any commercial purpose.
- SB 449 – Referred to Committee on Commerce and Consumer Protection; Committee on Judiciary and Government Operations Agriculture (1/28/09) – Prohibits the use, transfer, licensing or sale of a patient's prescription information for any commercial purpose.
- SB 72 – Referred to Judiciary; Housing (1/23/09) – Prohibits the license, transfer, use or sale of records relative to prescription information that contain patient-identifiable or prescriber identifiable data.

INDIANA

- HB 1283 – 1st Reading; Referred to Committee on Public Health (1/16/09) – Makes ephedrine and pseudoephedrine Schedule V controlled substances; repeals provisions concerning the establishment and operation of an electronic log to record the over-the-counter sale of drugs containing ephedrine and pseudoephedrine.
- SB 189 – 1st Reading; Referred to Committee on Corrections, Criminal and Civil Matters (1/7/09) – Makes ephedrine and pseudoephedrine Schedule V controlled substances; repeals provisions concerning the establishment and operation of an electronic log to record the over-the-counter sale of drugs containing ephedrine and pseudoephedrine.

IOWA

- HF 34 – To subcommittee (1/22/09) – Provides for the establishment of a real-time electronic repository to monitor and control the sale of schedule V products containing any detectable amount of pseudoephedrine, ephedrine or phenylpropanolamine.

- SSB 1109 – Recorded (1/27/09) - Provides for the establishment of a real-time electronic repository to monitor and control the sale of schedule V products containing any detectable amount of pseudoephedrine, ephedrine or phenylpropanolamine.
- LD 1248 – Requested (1/9/09) – Extends the authorization of the board of pharmacy to establish and administer a prescription drug database program.

MARYLAND

- SB 229 – 1st Reading in Budget and Taxation Committee (2/21/09) – Requires the establishment of a real-time statewide electronic logbook to record sales of ephedrine and pseudoephedrine products.

MISSISSIPPI

- SB 2792 – Referred to Drug Policy (1/19/09) – Requires retailers to maintain a written or electronic log of sales of pseudoephedrine products and lays out requirements for each type of log.
- SB 3025 – Referred to Drug Policy (1/19/09) - Requires the Board of Pharmacy to include the sales of pseudoephedrine and ephedrine in the state’s prescription monitoring service and submit reports thereof to the Bureau of Narcotics.
- HB 884 – Referred to Judiciary (1/19/09) - Requires the Board of Pharmacy to include the sales of pseudoephedrine and ephedrine in the state’s prescription monitoring service and submit reports thereof to the Bureau of Narcotics.
- SB 2651 – Referred to Drug Policy (1/15/09) - Requires the Board of Pharmacy to include the sales of pseudoephedrine and ephedrine in the state’s prescription monitoring service and submit reports thereof to the Bureau of Narcotics.
- SB 2706 – Referred to Drug Policy - Requires retailers to maintain a written or electronic log of sales of pseudoephedrine products and lays out requirements for each type of log.

MISSOURI

- SB 160 – 2nd Reading (1/26/09) – Reschedules ephedrine, pseudoephedrine and phenylpropanolamine as Schedule III controlled substances.

MONTANA

- HB 267 – House Hearing (1/30/09) – Creates the Prescription Drug Database and Monitoring Program.

NEW YORK

- AB 154 – Amended and Re-committed to Ways and Means (1/27) – Appropriates \$400,000 for expenses incurred in the administration of the state’s prescription drug monitoring program.
- SB 54 – Amended and Re-committed to Finance (1/27/09) - Appropriates \$400,000 for expenses incurred in the administration of the state’s prescription drug monitoring program.

OKLAHOMA

- SB 1110 – Introduced (2/2/09) – Provides that records relative to prescription information containing patient-identifiable and prescriber-identifiable data may not be licensed, transferred, used or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail order, or Internet pharmacy for any commercial purpose.
- HB 1849 – Introduced (2/2/09) - Provides that records relative to prescription information containing patient-identifiable and prescriber-identifiable data may not be licensed, transferred, used or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail order, or Internet pharmacy for any commercial purpose.
- SB 379 – Referred to Health (2/3/09) - Provides that records relative to prescription information containing patient-identifiable and prescriber-identifiable data may not be licensed, transferred, used or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail order, or Internet pharmacy for any commercial purpose.

OREGON

- SB 355 – Referred to Human Services and Rural Health Policy then to Ways and Means (1/22/09) – Requires the Board of Pharmacy to establish an electronic prescription monitoring program.

RHODE ISLAND

- HB 5093 – Withdrawn at Sponsors Request (1/23/09) – Secures the confidentiality of patient’s prescription information.

UTAH

- HB 106 – Passed 3rd Reading in House and Referred to Senate (1/29/09) – Amends several provisions of Utah’s law relative to the state’s controlled substance database.

VIRGINIA

- HB 2452 – Referred to Committee on Health, Welfare and Institutions (1/14/09) – Prohibits any health insurer, self-insured employer, electronic transmission intermediary, pharmacy or other similar entity from licensing, transferring, using, or selling records that include prescription information containing patient-identifiable or prescriber-identifiable data for any commercial purpose.

VIRGINIA Continued

- HB 2370 – Referred to Committee on Rules (1/14/09) – Tasks the Council on Virginia’s Future with assessing the impact of prescription drug abuse on the Commonwealth’s mortality rates; requires the Council to work with a specified group of individuals, including a representative from the Advisory Committee on Prescription Monitoring.
- SB 1195 – Assigned to Education Subcommittee (1/19/09) – Makes several amendments to the state’s prescription monitoring program relevant to data sharing with other jurisdictions and authority to access data.
- HB 2211 – Referred to Committee on Health, Welfare and Institutions (1/14/09) – Amends the state’s prescription monitoring program relative to the disclosure of data and data exchange with other jurisdictions.
- HB 2259 – Incorporated by Health, Welfare and Institutions (1/27/09) - Amends the state’s prescription monitoring program relative to the disclosure of data and data exchange with other jurisdictions.
- HB 2359 – Assigned to Subcommittee (1/27/09) – Establishes a pilot program to implement an electronic recordkeeping system of transactions involving the distribution of ephedrine and pseudoephedrine products.

WASHINGTON

- HB 1493 – Scheduled for Public Hearing (2/3/09) - States the legislature’s intent to protect the confidentiality of prescribing information.
- HB 1236 – 1st Reading (1/15/09) – Re-classifies ephedrine, pseudoephedrine and phenylpropanolamine as Schedule III controlled substances.

UTAH: HB 106 – Passed 3rd Reading in House and Referred to Senate (1/29/09) – Amends several provisions of Utah’s law relative to the state’s controlled substance database

Utah HB 106 proposes the following amendments to state law as it relates to the controlled substance database:

- In addition to having the authority to access information on current patients, practitioners may seek information on prospective patients for purposes of prescribing or considering prescribing any controlled substance to that prospective patient;
- Practitioners may designate up to three employees to access information in the database;
- Fees may be imposed by the state to pay for costs incurred as a result of conducting background checks on those individuals designated as able to access information in the database;
- Database access is granted to mental health therapists;
- Practitioners who obtain information from the database may include that information in the patient’s medical chart or file;

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UTAH: HB 106 (continued)

- Persons who were licensed practitioners or mental health therapists are denied access to the database once they are no longer licensed;
- Persons who are related to a deceased individual are not entitled to access information in the database relative to the deceased individual.